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सं. 9]

नई दिल्ली, शनिवार, मार्च 3, 2001/फाल्गुन 12, 1922

No. 9]

NEW DELHI, SATURDAY, MARCH 3, 2001/PHALGUNA 12, 1922

इस भाग में भिन्न एक संख्या दी जाती है जिससे कि यह प्रलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (H) PART II—Section 3—Sub-Section (H)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय की छोड़कर) द्वारा जारी किए गए सांख्यिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

वित्त मंत्रालय
(राजस्व विभाग)

आदेश

नई दिल्ली, 12 फरवरी, 2001

स्टाम्प

का आ. 410.—भारतीय स्टाम्प अधिनियम, 1899
(1899 का 2) की धारा 9 की उप-धारा (1) के खंड
(ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय
सरकार एतद्वारा आवास एवं शहरी विकास निगम लि.,
नई दिल्ली को मात्र पच्चीस करोड़ नालीस लाख सत्तानवे
हजार रुपये का समेकित स्टाम्प शुल्क भुगतान करने की
अनुमति प्रदान करती है, जो उक्त निगम द्वारा निम्न प्रकार
से वर्णित बंधपत्रों पर स्टाम्प शुल्क के कारण प्रभाव्य है—

(क) क्रमशः 20-3-98, 27-3-1998 तथा 31-3-1998
को आर्बिट्रि मात्र एक सौ बीस करोड़, पैतालिस लाख,
रुपये के समग्र मूल्य के प्रोमिसरी नोटों के रूप में 1 से
12445 तक की विशिष्ट संख्या वाले 13 प्रतिशत (कराधेय)

हुडको (एच. यू. डी. सी. ओ.) बंधपत्र श्रृंखला 10-ए. बी. एवं
सी;

(ख) 27-3-1998 को आर्बिट्रि तिरासी करोड़ रुपये
समग्र मूल्य के 123 प्रतिशत सरकार द्वारा प्रत्याभूत ऋणपत्र
(श्रृंखला पैतालीस);

(ग) 31-3-1998 को आर्बिट्रि सौ करोड़ रुपये के
समग्र मूल्य के प्रोमिसरी नोटों के रूप में 1 से 2000 तक
की विशिष्ट संख्या वाले विशेष प्राथमिकता क्षेत्र के हुडको
बंधपत्र श्रृंखला;

(घ) क्रमशः 10-8-1998 एवं 1-9-1998 को आर्बिट्रि
मात्र दस सत्तानवे करोड़ रुपये तथा दस लाख रुपये के
समग्र मूल्य के प्रोमिसरी नोटों के रूप में 12446 से 42155
तक की विशिष्ट संख्या वाले 13.25 प्रतिशत हुडको बंधपत्र
श्रृंखला 11-ए. एवं सी तथा 13.75 प्रतिशत हुडको बंधपत्र
श्रृंखला 11-बी. एवं डी ;

(ड) क्रमशः 24-10-1998 तथा 29-10-1998 को आबंटित मात्र एक सौ पचास करोड़ रुपये के समग्र मूल्य के प्रोमिसरी नोटों के रूप में 42156 से 57155 तक की विशिष्ट संख्या वाले 12.75 प्रतिशत कराधेय विशेष अवर-संरचनात्मक बंधपत्र श्रृंखला ए. एवं बी. ;

(घ) 8-1-1999 को आबंटित मात्र एक सौ पैंसठ करोड़ रुपये के समग्र मूल्य के प्रोमिसरी नोटों के रूप में 57156 से 73655 तक की विशिष्ट संख्या वाले 10 प्रतिशत कर मुक्त हुडको बंधपत्र श्रृंखला 12-ए और 10.25 प्रतिशत करमुक्त हुडको बंधपत्र श्रृंखला 12-बी. ;

(छ) 26-3-1999 को आबंटित मात्र तैंतीस करोड़ पचास लाख रुपये के समग्र मूल्य के प्रोमिसरी नोटों के रूप में 73656 से 77005 तक की विशिष्ट संख्या वाले 12 प्रतिशत कराधेय हुडको बंधपत्र श्रृंखला 13-ए, 12.25 प्रतिशत कराधेय हुडको बंधपत्र श्रृंखला 13-बी. तथा 12.5 प्रतिशत कराधेय हुडको बंधपत्र श्रृंखला 13 सी. ;

(ज) 8-9-1999 को आबंटित मात्र दो सौ पैतीस करोड़ अठ्तालिस लाख रुपये के समग्र मूल्य के प्रोमिसरी नोटों के रूप में 1 से 17838 तक की विशिष्ट संख्या वाले कराधेय हुडकी बंधपत्र श्रृंखला 14-ए, तथा प्रोमिसरी नोटों के रूप में 1 से 5700 तक की विशिष्ट संख्या वाले कराधेय हुडकी बंधपत्र श्रृंखला 14-बी. ;

(झ) 5-10-1999 को आबंटित मात्र तैंतालीस करोड़, साठ लाख रुपये के समग्र मूल्य के प्रोमिसरी नोटों के रूप में 1 से 4360 तक की विशिष्ट संख्या वाले विशेष अवर-संरचनात्मक बंधपत्र श्रृंखला —11;

(ञ) 6-12-1999 को आबंटित मात्र दो सौ सतरह करोड़ रुपये के समग्र मूल्य के प्रोमिसरी नोटों के रूप में 1 से 21700 तक की विशिष्ट संख्या वाले विशेष प्राथमिकता क्षेत्र बंधपत्र श्रृंखला —11;

(ट) 29-3-2000 को आबंटित मात्र एक सौ पचास करोड़ रुपये के समग्र मूल्य के प्रोमिसरी नोटों के रूप में 1 से 15000 तक की विशिष्ट संख्या वाले करमुक्त हुडको बंधपत्र श्रृंखला 15-ए. एवं 15-बी. ;

(ठ) 31-3-2000 को आबंटित मात्र एकहत्तर करोड़ अस्सी लाख रुपये के समग्र मूल्य के प्रोमिसरी नोटों के रूप में 1 से 7180 तक की विशिष्ट संख्या वाले कराधेय हुडकों बंधपत्र श्रृंखला 16-ए. तथा हुडको बंधपत्र श्रृंखला 16-बी. ;

(ड) 19-9-2000 एवं 28-9-2000 को आबंटित मात्र एकदशानवे करोड़, पचास लाख रुपये के समग्र मूल्य के प्रोमिसरी नोटों के रूप में 1 से 9150 तक की विशिष्ट संख्या वाले करमुक्त हुडको बंधपत्र श्रृंखला 17-ए. तथा बी. ;

(ड) 19-9-2000 तथा 28-9-2000 को आबंटित मात्र एक सौ सैंतीस करोड़, तैंईस लाख रुपये के समग्र मूल्य के प्रोमिसरी नोटों के रूप में 1 से 13723 तक की विशिष्ट

संख्या वाले कराधेय हुडकी बंधपत्र श्रृंखला 18-ए, बी, सी, डी, ई, तथा एफ. ; और

(ण) 19-1-2001 को आबंटित मात्र छः सौ बासठ करोड़, सोलह लाख रुपये के समग्र मूल्य के प्रोमिसरी नोटों के रूप में 1 से 66216 तक की विशिष्ट संख्या वाले कराधेय हुडकों बंधपत्र श्रृंखला 19-ए, बी, तथा सी ।

[सं. 12/2001 स्टाम्प फा. सं. 33/12/2001 वि. क.]

आर. जी. छाबड़ा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 12th February, 2001

STAMPS

S.O. 410.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Housing & Urban Development Corporation Ltd, New Delhi to pay consolidated stamp duty of rupees twenty five crore forty lakh ninety seven thousand only chargeable on account of the stamp duty on bonds described as —

- (a) 13% (Taxable) HUDCO Bonds Series X-A, B & C in the nature of promissory notes bearing distinctive numbers from 1 to 12445 aggregating to rupees one hundred twenty four crore forty five lakh only allotted on 20-3-98, 27-3-1998 and 31-3-1998 respectively;
- (b) 12.3% Government Guaranteed Debentures (Series XLV) aggregating to rupees eighty three crore allotted on 27-3-1998;
- (c) Special Priority Sector HUDCO Bonds Series in the nature of promissory notes bearing distinctive numbers from 1 to 2000 aggregating to rupees one hundred crore allotted on 31-3-1998;
- (d) 13.25% HUDCO Bonds Series XI-A & C and 13.75% HUDCO Bonds Series XI-B & D in the nature of promissory notes bearing distinctive numbers from 12446 to 42155 aggregating to rupees two hundred ninety seven crore and ten lakh only allotted on 10-8-1998 and 1-9-1998 respectively;
- (e) 12.75% Taxable Special Infrastructure Bonds Series A & B in the nature of promissory notes bearing distinctive numbers from 42156 to 57155 aggregating to rupees one hundred fifty crore only allotted on 24-10-1998 and 29-10-1998 respectively;
- (f) 10% Tax free HUDCO Bonds Series XII-A and 10.25% Tax free HUDCO Bonds Series XII-B in the nature of promissory notes bearing distinctive numbers from 57156 to 73655 aggregating to rupees one hundred sixty five crore only allotted on 8-1-1999;
- (g) 12% Taxable HUDCO Bonds Series XIII-A, 12.5% Taxable HUDCO Bonds Series XIII-B and 12.5% Taxable HUDCO Bonds

Series XIII-C in the nature of promissory notes bearing distinctive numbers from 73656 to 77005 aggregating to rupees thirty three crore fifty lakh only allotted on 26-3-1999;

- (h) Taxable HUDCO Bonds Series XIV-A in the nature of promissory notes bearing distinctive numbers from 1 to 17838 and Taxable HUDCO Bonds Series XIV-B in the nature of promissory notes bearing distinctive numbers from 1 to 5700 aggregating to rupees two hundred thirty five crore thirty eight lakh only allotted on 8-9-1999;
- (i) Special Infrastructure Bonds Series II in the nature of promissory notes bearing distinctive numbers from 1 to 4360 aggregating to rupees forty three crore sixty lakh only allotted on 5-10-1999;
- (j) Special Priority Sector Bonds Series-II in the nature of promissory notes bearing distinctive numbers from 1 to 21700 aggregating to rupees two hundred seventeen crore only allotted on 6-12-1999.
- (k) Taxfree HUDCO Bonds Series XV-A and XV-B in the nature of promissory notes bearing distinctive numbers from 1 to 15000 aggregating to rupees one hundred fifty crore only allotted on 29-3-2000;
- (l) Taxable HUDCO Bonds Series XVI-A and HUDCO Bonds Series XVI-B in the nature of promissory notes bearing distinctive numbers from 1 to 7180 aggregating to rupees seventy one crore eighty lakh only allotted on 31-3-2000;
- (m) Taxfree HUDCO Bonds Series XVII-A and B in the nature of promissory notes bearing distinctive numbers from 1 to 9150 aggregating to rupees ninety one crore fifty lakh only allotted on 19-9-2000 and 28-9-2000 respectively;
- (n) Taxable HUDCO Bonds Series XVIII-A, B, C, D, E and F in the nature of promissory notes bearing distinctive numbers from 1 to 13723 aggregating to rupees one hundred thirty seven crore twenty three lakh only allotted on 19-9-2000 and 28-9-2000; and
- (o) Taxable HUDCO Bonds Series XIX-A, B, and C in the nature of promissory notes bearing distinctive numbers from 1 to 66216 aggregating to rupees six hundred sixty two crore sixteen lakh only allotted on 19-1-2001, by the said Corporation.

[No. 12/2001-STAMPS/F. No. 33/12/2001-ST]
R. G. CHHABRA, Under Secy.

(आर्थिक कार्य विभाग)

(बीमा प्रभाग)

नई दिल्ली, 16 फरवरी, 2001

का.भा. 411.—केन्द्रीय सरकार बीमा विनियामक एवं विकास प्राधिकरण अधिनियम, 1999 (1999 का 41) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री ए. आर.

बर्वे पूर्व उप-प्रबन्ध निदेशक, भारतीय स्टेट बैंक और श्रीमती मनीषा मोहन ग्रन्थनसारे, प्रधानाध्यापिका सेट जैवियर हाई स्कूल नेरुल, नवी मुम्बई को उक्त प्राधिकरण के प्रशासक सचिव के रूप में तत्काल प्रभाव से तीन वर्षों के लिए एतद् द्वारा नियुक्त करती है।

[फा. सं. 8(1)/2000-बीमा 6]

आर. रंगनाथ, निदेशक

(Department of Economic Affairs)

(Insurance Division)

New Delhi, the 16th February, 2001

S.O. 411.—In exercise of the powers conferred by Section 4 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999) the Central Government hereby appoints Shri A. R. Barwe, former Deputy Managing Director, State Bank of India and Smt. Manisha Mohan Andhansare, Head Mistress of St. Xavier's High School, Nerul, Navi Mumbai as Part-time Members of the Insurance Regulatory and Development Authority with immediate effect for a period of three years.

[F. No. 8(1)/2000-Ins. VI]

R. RENGANATH, Director

(बैंकिंग प्रभाग)

नई दिल्ली, 13 फरवरी, 2001

का. भा. 412.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्द्वारा, घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबंध कौथोलिक सीरियन बैंक लि., त्रिचुर पर इसके द्वारा केरल राज्य के कोट्टायम जिले के ग्राम कैपुजा में भवन सहित 15 सेन्ट्स भूमि वाली गैर-बैंककारी परिसंपत्तियों की धारिता के संबंध में 17 अप्रैल, 2001 तक की अवधि के लिए लागू नहीं होंगे।

[फा. सं. 15/3/95-बी. ओ. ए.]

डी. चौधरी, प्रवर सचिव

(Banking Division)

New Delhi, the 13th February, 2001

S.O. 412.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendation of the Reserve Bank of India hereby declares that the provisions of Section 9 of the said Act shall not apply to Catholic Syrian Bank Ltd., Trichur for a period upto 17th April, 2001 in respect of its holding non-banking asset consisting of 15 cents of land with building in Kaipuzha Village of Kottayam District, Kerala.

[F. No. 15/3/95-BOA]

D. CHOUDHURY, Under Secy.

नई दिल्ली, 14 फरवरी, 2001

का. भा. 413.—भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 की 28) की धारा 5 की उपधारा (2) के खण्ड (ख) के साथ पठित धारा 6 की उपधारा (1) (क) और उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा वर्तमान में भारतीय निर्यात-आयात बैंक के कार्यपालक निदेशक श्री टी. सी. वेंकट सुब्रमण्यन को वर्तमान पदधारी श्री वाई. बी. देसाई की 30 अप्रैल, 2001 को अधिवर्षिता आयु होने के बाद 1 मई, 2001 से 5 वर्ष की अवधि के लिए भारतीय निर्यात आयात बैंक के प्रबंध निदेशक (पूर्णकालिक निदेशक) के रूप में नियुक्त करता है।

[फा. सं. 7/12/2000-बी. ओ. आई]
रमेश चंद, अवर सचिव

New Delhi, the 14th February, 2001

S.O. 413.—In exercise of the powers conferred by sub-section (1)(a) and sub-section (2) of Section 6 read with clause (b) of sub-section (2) of Section 5 of the Export-Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby appoints Shri T. C. Venkat Subramanian, presently Executive Director, Export-Import Bank of India, as the Managing Director (wholesale Director), Export-Import Bank of India for a period of five years with effect from 1st May, 2001 after superannuation of Shri Y. B. Desai on 30th April, 2001, the present incumbent.

[F. No. 7/12/2000-B.O.I]
RAMESH CHAND, Under Secy.

नई दिल्ली, 16 फरवरी, 2001

का. भा. 414.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 15(1) के उपबन्ध इस अधिसूचना की तारीख से पांच वर्ष की अवधि के लिए इलाहाबाद बैंक पर लागू नहीं होंगे।

[फा. सं. 12/31/99-बीओए]
डी. चौधरी, अवर सचिव

New Delhi, the 16th February, 2001

S.O. 414.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendations of the Reserve Bank of India, hereby declares that the provisions of Section 15(1) of the said Act shall not apply for a period of five years from the date of this notification to the Allahabad Bank.

[F. No. 12/31/99-BOA]
D. CHOUDHURY, Under Secy.

नई दिल्ली, 19 फरवरी, 2001

का. भा. 415.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग, नियम 1976 के नियम

10 के उपनियम (4) के अनुसरण में, संलग्न अनुबन्ध में निम्नलिखित बैंकों के सूचीबद्ध कार्यालयों/शाखाओं को, जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

क्रम सं.	बैंक का नाम	कार्यालयों/शाखाओं की संख्या
1.	भारतीय लघु उद्योग विकास बैंक	03
2.	पंजाब नेशनल बैंक	09
3.	कापॉरेशन बैंक	77
4.	यूनियन बैंक आफ इंडिया	03
5.	सिंडिकेट बैंक	56
कुल		148

[फा. सं. 11016/1/2001-हिन्दी]

रमेश बाबू अणियेरी, उपनिदेशक (राजभाषा)

1. भारतीय लघु उद्योग विकास बैंक,
“लैडमार्क भवन, पहली मंजिल,
रेसकोर्स सर्कस,
पोस्ट बा.स. 3711
बड़ोदा-390 007
दूरभाष (0265) 338679, 338611
2. भारतीय लघु उद्योग विकास बैंक
सूर्यकिरण होटल बिल्डिंग, पहली मंजिल,
सी-8, मुम्बई पुणे रोड,
चिचवाड,
पुणे-411 019
दूरभाष : (020) 7463224, 7474333
3. भारतीय लघु उद्योग विकास बैंक,
छठी मंजिल उषा काम्प्लेक्स,
345, किंग्सवे,
नागपुर-440001
दूरभाष, (0712) 553201,

नियम 10(4) के अंतर्गत अधिसूचित कराए जाने वाले कार्यालयों की सूची

1. पंजाब नेशनल बैंक
शा. का. सी-13, सैक्टर-1
नोएडा 201301
उत्तर प्रदेश
2. पंजाब नेशनल बैंक
शा. का. 32 विंग एयरफोर्स कैंटीन,
जिला—जोधपुर
जोधपुर (राजस्थान)

3. पंजाब नेशनल बैंक
शा.का. इंदपुरी चौक
जिला-हजारी बाग
बिहार

4. पंजाब नेशनल बैंक
प्लॉट नं. 11,
इण्डस्ट्रियल एरिया,
बददी, जिला—सोलन,
शिमला, (हि. प्र.)

5. पंजाब नेशनल बैंक,
सुबामा चौक,
कुनिहार, जिला—सोलन,
शिमला, (हि. प्र.)

6. पंजाब नेशनल बैंक
शाखा जस्सूर गेट
बीकानेर (राजस्थान)

7. पंजाब नेशनल बैंक
शाखा : इन्फैन्ट्री डिविजन
बीकानेर कैंस्ट
बीकानेर. (राजस्थान)

8. पंजाब नेशनल बैंक
शाखा : खाजूवाला
जिला : बीकानेर (राजस्थान)

9. पंजाब नेशनल बैंक
शाखा : खमिरवा
जिला : सीकर (राजस्थान)

क्र.सं.	शाखा/कार्यालय का नाम	पता	दूरभाष संख्या
1	2	3	4
01.	चित्रदुर्ग	कार्पोरेशन बैंक शाखा कार्यालय हुस्मि कॉम्प्लेक्स संख्या 38, प्रथम तल, 5 वॉ ब्लॉक हाक पेटी सं. 67, बी डी रोड, चित्रदुर्ग-577 501 चित्रदुर्ग तालुका, चित्रदुर्ग जिला कर्नाटक	08194-28112 (एम) 22750 (जी)
02.	दावणगेरे मंडीपेट	कार्पोरेशन बैंक शाखा कार्यालय 626, प्रथम तल, मंडीपेट, हाक पेटी सं. 73 दावणगेरे-577 001 दावणगेरे तालुका, दावणगेरे जिला कर्नाटक	08192-53775 (एम) 58509 (जी)
03.	दावणगेरे पी बी रोड	कार्पोरेशन बैंक शाखा कार्यालय भारत पोस्ट संघ कॉम्प्लेक्स 3662 पुणे-बैंगलूर रोड दावणगेरे-577 002 दावणगेरे तालुका, चित्रदुर्ग जिला कर्नाटक	08192-50696 (एम) 59355 (जी)

1	2	3	4
04. गदग	कार्पोरेशन बैंक शाखा कार्यालय श्री सिद्धार्थ गिल्ड पाला बावामी रोड डाक पेटी सं. 31 गदग-582 101 गदग तालुका गदग जिला कर्नाटक	37982 (एम) 38482 (जी)	
05. ह्दडी	कार्पोरेशन बैंक शाखा कार्यालय श्री रामकृष्णा मेन रोड ह्दडी-577 525 दावणगेरे तालुका दावणगेरे जिला कर्नाटक	08192-82422	
06. ह्दडिनबाल	कार्पोरेशन बैंक शाखा कार्यालय बस स्टैंड के सामने मेन रोड ह्दडिनबाल-581 361 होन्नावर तालुका उत्तर कन्नड़ जिला कर्नाटक	08387-79531	
07. हरिहर	कार्पोरेशन बैंक शाखा कार्यालय भारत बीडी बिल्डिंग डाक पेटी सं. 31 पीबी रोड हरिहर-577 601 हरिहर तालुका दावणगेरे जिला कर्नाटक	08192-42357	
08. हिरेवडुटी	कार्पोरेशन बैंक शाखा कार्यालय हिरेवडुटी मुंडरगी तालुका गदग जिला पिन-582 222 कर्नाटक	08371-48349	

1	2	3	4
09.	होशवार	कार्पोरेशन बैंक शाखा कार्यालय श्री राम मंदिर के ऊपर बाजार रोड होशवार-581 334 होशवार तालुका उत्तर कन्नड़ जिला कर्नाटक	08387-20432
10.	हुबली अरविदनगर	कार्पोरेशन बैंक शाखा कार्यालय प्लॉट संख्या 199 अरविदनगर कारवार रोड हुबली-580 024 तालुका-हुबली जिला-धारवाड़ कर्नाटक	0836-304082 (एम) 306470 (जी)
11.	कारवार	कार्पोरेशन बैंक शाखा कार्यालय राधा गोविन्द काम्पाउन्ड कैकिणी रोड डाक पेटी सं. 25 कारवार-581 301 कारवार तालुका उत्तर कन्नड़ जिला कर्नाटक	08382-21695 (एम) 21351 (जी)
12.	कुरुबगोडा	कार्पोरेशन बैंक शाखा कार्यालय श्री महंत निलय कुरुबगोडा-581 154 हावेरी तालुका हावेरी जिला कर्नाटक	08375-85523
13.	माकनूर	कार्पोरेशन बैंक शाखा कार्यालय माकनूर-581 163 राणिबेन्नूर तालुका हावेरी जिला कर्नाटक	08373-42743
14.	सारथी	कार्पोरेशन बैंक शाखा कार्यालय सारथी-577 601 हरिहर तालुका बावणगेरे जिला कर्नाटक	08192-45024

1	2	3	4
15.	सिसर्ग	कार्पोरेशन बैंक शाखा कार्यालय जयश्री लॉज बिल्डिंग फाईव रोड सर्कल डाक पेटी स. 32 सिसर्ग-581 401 उत्तर कन्नड़ जिला कर्नाटक	08384-26287(एम) 25070 (जी)
16.	तदडी	कार्पोरेशन बैंक शाखा कार्यालय देवकी कृष्ण मेन रोड तदडी-581 437 कुमटा तालुका उत्तर कन्नड़ जिला कर्नाटक	08386-56166
17	यलिवाल	कार्पोरेशन बैंक शाखा कार्यालय यलिवाल-581 207 कुदगोल तालुका धारवाड जिला कर्नाटक	0836-84252
18	हुबली-विद्यानगर	कार्पोरेशन बैंक शाखा कार्यालय जे जी कॉलेज ऑफ कॉमर्स विद्यानगर हुबली-580 021 तालुका-हुबली जिला-धारवाड कर्नाटक	0836-372533 (एम) 372491 (जी)
19	मुद्रा तिजोरी	कार्पोरेशन बैंक मुद्रा तिजोरी बसवन वन के पास मूरुसाविर मठ प्रेस बिल्डिंग न्यू कौटन मार्केट हुबली-580 029 तालुका-हुबली जिला-धारवाड कर्नाटक	0836-352447

- 20 कार्पोरेशन बैंक
अण्णा नगर शाखा
सेवेन स्टार बिल्डिंग
प्रथम तल,
ए-80, रा एवेन्यू
अण्णा नगर (पूर्व)
चेन्नई-600 102
- 21 कार्पोरेशन बैंक
कौस शाखा
वमुनी एव भुगतान सेवा केन्द्र (वैप्स)
अरुल मनाई भूमि तल
27, व्हाईटस रोड, चेन्नई 600 014
- 22 कार्पोरेशन बैंक
एम्मीर शाखा
वाणिज्यिक एव वैयक्तिक बैंकिंग शाखा
मस्कट बिल्डिंग
37, कासा मेजर रोड, भूमि तल
एम्मीर, चेन्नई-600 008
- 23 कार्पोरेशन बैंक
व्यक्तिक बैंकिंग शाखा
अरुल मनाई भूमि तल
27 व्हाईटस रोड, चेन्नई-600 014
- 24 कार्पोरेशन बैंक
मैलापुर शाखा
टेपल स्ववेयर
22, नार्थ माडा स्ट्रीट
मैलापुर, चेन्नई-600 004
- 25 कार्पोरेशन बैंक
होसुर शाखा
यशोधा महल
560/आई सी बार्डपास रोड,
होसुर (पिन)-635 109
धर्मपुरी जिला, तमिलनाडु
- 26 कार्पोरेशन बैंक
कार्मकल शाखा
द्वार स 71-ए
भारतीयार रोड
कार्मकल (पिन)-609 602
पाडिचेरी स रा क्षेत्र
- 27 कार्पोरेशन बैंक
माबलपट्टु शाखा
59, वार्ड स 2
सब-ऑफिस (पिन)-605 303
माबलपट्टु
विल्लुपुरम तालुक व जिला
तमिलनाडु
- 28 कार्पोरेशन बैंक
बि कूटु रोड, शाखा
शीप फार्म (डाक)
(तलवासल से होकर)
बी कूटु रोड (पिन)- 606 112
दक्षिण आर्काट जिला, तमिलनाडु
- 29 कार्पोरेशन बैंक
विल्लुपुरम शाखा
6, पंडित जवाहारलाल नेहरू रोड
विल्लुपुरम (पिन) 605 602
विल्लुपुरम जिला, तमिलनाडु
30. कार्पोरेशन बैंक
आलपाक्कम शाखा
कवि अरसु वैरमुत्तु नगर
आलपाक्कम (पिन) 608 801
कडलूर तालुक
दक्षिण आर्काट जिला, तमिलनाडु
शाखाओं के नाम और पत्ता
31. कार्पोरेशन बैंक
मजुश्री
मेन रोड
अरणा-577414
जिला-शिवमोगा
कर्नाटक
- 32 कार्पोरेशन बैंक
डा पे सं 8
आजाद रोड तीर्थहल्ली-577432
जिला-शिवमोगा
कर्नाटक
- 33 कार्पोरेशन बैंक
मेन रोड
शिवनी-577549
नरिकेरे तालुक
जिला-चिकमगलूर
कर्नाटक
- 34 कार्पोरेशन बैंक
डा पे स. 5
कोडगु टाबर्स
बी एम रोड
कुशालनगर 571234
जिला-कोडगु
35. कार्पोरेशन बैंक
स्नेहसिचना
मेन रोड
अरलसुरली-577414
जिला-शिवमोगा
कर्नाटक

36. कार्पोरेशन बैंक
डा. पे. सं. 22
ए. पी. एम. सी. याई
भीमनेरी
सागर-577401
जिला-शिवमोगा
कर्नाटक
37. कार्पोरेशन बैंक
लक्ष्मी निलय
बैलहल्ली रोड
कंदली-573217
जिला-हामन
कर्नाटक
38. कार्पोरेशन बैंक
दमूली एवं भुगतान सेवा केन्द्र
1604, त्रिची रोड,
कोयम्बतूर 641 018
39. कार्पोरेशन बैंक
एस. सी. ओ. 493,
सेक्टर-35 सी
चंडीगढ़ 160 022
40. कार्पोरेशन बैंक
औद्योगिक वित्त शाखा,
रंगोली कॉम्प्लेक्स, प्रथम तल,
बी. एस. हॉस्पिटल के सामने,
ऐलिस बीज आश्रम रोड,
अहमदाबाद-380 006
41. कार्पोरेशन बैंक
नवरंगपुरा शाखा
नवरंगपुरा डाकघर के पास,
नवरंगपुरा
अहमदाबाद-380 009
42. कार्पोरेशन बैंक
बारडोली शाखा
शिवम चेम्बरस,
प्रथम तल, स्टेशन रोड
बारडोली-394 602
सुरत जिला गुजरात
43. कार्पोरेशन बैंक
भुज शाखा
डा. पे. सं. 2,
श्री पारसनाथ चेम्बरस,
स्टेशन रोड, कच्छ जिला,
भुज-370 001
44. कार्पोरेशन बैंक
गांधीधाम शाखा,
101, मेहता चेम्बरस,
प्लॉट सं. 235-236 बाई 12/बी
पुलिस स्टेशन रोड, डा. पे. सं. 07,
गांधीधाम, 370 201
कच्छ जिला, गुजरात
45. कार्पोरेशन बैंक
गांधीनगर उद्योग भवन शाखा
उद्योग भवन,
सेक्टर 10,
गांधीनगर-382 010
46. कार्पोरेशन बैंक
एम. जे. लाग्नेरी शाखा
रंगोली कॉम्प्लेक्स,
बी. एस. हॉस्पिटल के सामने
आश्रम रोड, ऐलिस बीज
अहमदाबाद-380 006
47. कार्पोरेशन बैंक
शाहीबाग क्रास रोड शाखा
प्रथम तल, गुंज बाजार,
पो. बा. सं. 1110
अंबाजी टेपल के सामने
पुराना मधुपुरा,
अहमदाबाद-380 004
48. कार्पोरेशन बैंक
भावनगर शाखा,
'गोपी आर्कैड'
तख्तेश्वर डाकघर के सामने
बाघवाडी रोड
भावनगर 364 002
49. कार्पोरेशन बैंक
गांधीनगर वे. बैंक. शाखा
प्लॉट सं. 241,
सेक्टर 28, घ 6 के पास
गांधीनगर 382 028
50. कार्पोरेशन बैंक
गोंडल शाखा
'सपना' पंचनाथ प्लॉट
गोंडल-360 331
राजकोट जिला
51. कार्पोरेशन बैंक
नवसारी शाखा,
पौराडाइज टॉवर,
सिविल हॉस्पिटल के सामने,
स्टेशन रोड, पो. बा. सं. 118
नवसारी-396 445

52. कार्पोरेशन बैंक
राजकोट शाखा,
'निजानंद'
देवर रोड, डा. पे. सं. 556
राजकोट-360 002
गुजरात
53. कार्पोरेशन बैंक
राजकोट-लघु उद्योग शाखा,
जे. पी. टावर्स, प्रथम तल,
टैगोर मार्ग,
राजकोट-360 002
54. कार्पोरेशन बैंक
दाण्डिया बाजार शाखा
प्रतीक चेंबर्स,
दाण्डिया बाजार,
बड़ोदरा-390 001
55. कार्पोरेशन बैंक
वल्लभ विद्या नगर शाखा,
'वीरल प्लाजा'
भूमितल, डा. पे. सं. 8,
वल्लभ विद्यानगर-388 120
आनंद तालुका, खेडा जिला
गुजरात
56. कार्पोरेशन बैंक
बलदिया शाखा
श्री स्वामी नारायण टेंपल (महिला)
उपलवास
बलदिया-370 427
57. कार्पोरेशन बैंक
माधापार शाखा,
फूलवाडी बाजार,
नवावास,
माधापार-370 020
भुज तालुका,
कच्छ जिला
58. कार्पोरेशन बैंक
अलकापुरी शाखा
14-15, नेशनल प्लाजा
प्रथम तल, पो. बा. सं. 2583,
अलकापुरी,
बड़ोदा-390 005
59. कार्पोरेशन बैंक
वल्लभ वि. नगर-विस्तार शाखा
सरदार पटेल यूनिवर्सिटी कॉम्प्लेक्स
वल्लभ विद्यानगर
गुजरात
60. कार्पोरेशन बैंक
आणंद शाखा
शुलाल शापिंग सेन्टर,
अमूल डेरी रोड,
आणंद-388 015
गुजरात
61. कार्पोरेशन बैंक
सेटेलाईट रोड शाखा
ओम टॉवर कॉम्प्लेक्स
निरमा बंगला के सामने
सेटेलाईट मेन रोड
अहमदाबाद-380 015
62. कार्पोरेशन बैंक
गुरुकुल वै. वै. शाखा
राज प्लाजा कॉम्प्लेक्स
दूसरी मंजिल, गुरुकुल रोड,
मेमनगर,
अहमदाबाद-380 052
63. कार्पोरेशन बैंक
राजकोट वै. वै. शाखा
परितोष अपार्टमेंट
इंदिरा गांधी सर्कल,
यूनिवर्सिटी रोड,
राजकोट-360 005
64. कार्पोरेशन बैंक
बड़ोदरा वै. वै. शाखा
युवराज कॉम्प्लेक्स,
ओल्ड पादरा रोड,
बड़ोदरा-390 020
65. कार्पोरेशन बैंक
तारापुर शाखा
स्वामी नारायण टेंपल के पास,
तारापुर-388 180
66. कार्पोरेशन बैंक
मेहसाणा शाखा
एस. नं. 1990/158,
माल गोडाउन रोड,
टेलिफोन एक्सचेंज के पास,
मेहसाणा-384 002
67. कार्पोरेशन बैंक
कैप्स शाखा
रंगोली कॉम्प्लेक्स,
बी. एस. हॉस्पिटल के सामने,
आश्रम रोड,
अहमदाबाद-380 006

68. कार्पोरेशन बैंक
सेवा शाखा
नवरंगपुरा पोस्ट ऑफिस के पास
नवरंगपुरा
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69. कार्पोरेशन बैंक
नवसारी विस्तार शाखा
डी०एन मेहता हॉस्पिटल बिल्डिंग,
जे. एम. टाटा मार्ग,
लुसीकुई,
नवसारी-396 445
70. कार्पोरेशन बैंक
आंचलिक कार्यालय
द्वितीय तल
नवरंगपुरा डाक घर के पास
नवरंगपुरा
अहमदाबाद-380 009
71. कार्पोरेशन बैंक
आर. जेड/2, आदिल बाग,
पालम डाब्री मेन रोड,
पालम गांव,
सुपरबाजार के सामने
नई दिल्ली-110 045
72. कार्पोरेशन बैंक
प्लॉट नं. 10, एल.एस. सी.
गुजरावाला टाऊन, दिल्ली -110 009
73. कार्पोरेशन बैंक,
नांगलोई जाट
2, नजफगढ़ रोड,
नांगलोई, नई दिल्ली -110 041
74. कार्पोरेशन बैंक,
ए-6/9, पश्चिम बिहार,
नई दिल्ली-110 063
75. कार्पोरेशन बैंक,
आंचलिक कार्यालय
मुद्द साविरा मठ प्रेस बिल्डिंग
आई एफ बी न्यू काटन मार्केट रोड
डाक पेटी संख्या 619
हुबली-580 029
धारवाड़ जिला
कर्नाटक
दूरभाष 0836 351770, 353821, 251390,
350295
ई मेल 352438
मोडेम 352438
फैक्स 350955
76. कार्पोरेशन बैंक
शाखा कार्यालय
इनधू काम्प्लेक्स
वस स्टेण्ड के पास
डाक पेटी संख्या 16
जे एन रोड
वाडेली -581 325
उत्तर कन्नड़ जिला
कर्नाटक
दूरभाष 0824, 31401, 31328
77. कार्पोरेशन बैंक
शाखा कार्यालय,
टी एम सी काम्प्लेक्स
डाक पेटी संख्या 25
हलियाल-581 329
हलियाल तालुका
उत्तर कन्नड़ जिला
कर्नाटक
दूरभाष 08284, 20151
यूनियन बैंक ऑफ इंडिया
1. यूनियन बैंक ऑफ इंडिया,
लघु उद्योग वित्त शाखा,
बालकृष्ण अपार्टमेंट,
गोगटे वाडी रोड,
गोरेगांव (पूर्व),
मुंबई-400 063
2. यूनियन बैंक ऑफ इंडिया,
एसबी उच्च न्यायालय शाखा,
उच्च न्यायालय कम्पाउंड,
जबलपुर-482 001 (म)
3. यूनियन बैंक ऑफ इंडिया,
पद्माकर नगर शाखा,
प्रिन्स मार्केट, प्रथम तल,
मकरोनिया चौराहा,
पद्माकर नगर, सागर,
जिला सागर (म. प्र.)
सिडिकोट बैंक
01. सिडिकोट बैंक
बंजारा हिल्स शाखा
8-2-461/464
रोड सं. 1, बंजारा हिल्स
हैदराबाद-500 034
आ. प्र.

02. सिडिकेट बैंक
बेगम बाजार शाखा
15-8-347
बूर्ग कर्मशियल काम्पलेक्स
बेगम बाजार
हैदराबाद-500 029
03. सिडिकेट बैंक
अलवाल शाखा
चित्तम्मा भवन,
मेन रोड, डा. पे. सं. 2
अलवाल
सिकन्दराबाद-500 010 आं. प्र.
04. सिडिकेट बैंक
बोलारम शाखा
596, सवर बाजार
बोलारम
सिकन्दराबाद-500 010
आं. प्र.
05. सिडिकेट बैंक
केन्द्रीय लेखा कार्यालय
5-4-413/416, नामपल्ली
मुकरंमजाही रोड
हैदराबाद-500 001
आं. प्र.
06. सिडिकेट बैंक
न्यू नल्लाकुंटा शाखा
2-2-1130/8/2
येली शेड्डी हाऊस कम्पाऊंड
न्यू नल्लाकुंटा
हैदराबाद-500 044
आं. प्र.
07. सिडिकेट बैंक
शाह अली बंदा शाखा
20-4-194/7
आशा टाकीस के नजदीक
शाह अली बंदा
हैदराबाद-500 265
आं. प्र.
08. सिडिकेट बैंक
काचिगुडा रेलवे स्टेशन शाखा
जान्हवी कर्मशियल काम्पलेक्स
कुमार टाकीस के नजदीक
काचिगुडा रेलवे स्टेशन
हैदराबाद-500 027
आं. प्र.
09. सिडिकेट बैंक
सीतारामबाग शाखा
14-1-320, आगापुरा
सीताराम बाग
हैदराबाद - 500 001
आं. प्र.
10. सिडिकेट बैंक
राष्ट्रपति रोड शाखा
3-1-28, 29, 30/1
डाक पेटी सं. 1565
राष्ट्रपति रोड
सिकन्दराबाद - 500 003
11. सिडिकेट बैंक
लिंगमपल्ली शाखा
3-4-781, यूनिवर्सिटी रोड
तुल्जा भवन के नजदीक
लिंगमपल्ली
हैदराबाद - 500 027 आं. प्र.
12. सिडिकेट बैंक
जीरा कम्पाऊंड शाखा
नं. 7, जीरा कम्पाऊंड
सिकन्दराबाद - 500 003
आं. प्र.
13. सिडिकेट बैंक
मुख्य शाखा
सं. 52/172, डाक पेटी सं. 32
ग्रोन्ड बस स्टैंड रोड
कर्नूल - 518 001
आं. प्र.
14. सिडिकेट बैंक
राजमपेटा शाखा
सं. 4/93, चेन्नई रोड
बस स्टैंड के नजदीक
राजमपेट - 516 115
जिला कडप्पा
आं. प्र.
15. सिडिकेट बैंक
कौतालम शाखा
वैश्या स्ट्रीट
कौतालम - 518 344
जिला कर्नूल
आं. प्र.
16. सिडिकेट बैंक
चिप्पगिरी शाखा
चिप्पगिरी - 518 396
अलूर मंडल
जिला कर्नूल
आं. प्र.

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| <p>17. सिडिकेट बैंक
क्षेत्रीय कार्यालय
डा.पे.स. 36, पहली मंजिल
ग्रान्जनेय कांप्लेक्स
दूसरा लेन, भाग्यनगर
ग्रॉगोल - 523 001
ग्रॉ.प्र.</p> | <p>24. सिडिकेट बैंक
क्षेत्रीय कार्यालय
एफ-4, II तल
इन्द्रधनु मार्केट कांप्लेक्स
नयापल्ली, आई. आर. सी. विलेज
भुवनेश्वर—751015</p> |
| <p>18. सिडिकेट बैंक
क्षेत्रीय कार्यालय
श्रीनिवास नगर
डा.पे.सं. 35
अनंतपुर - 515 001
आ. प्र.</p> | <p>25. सिडिकेट बैंक
क्षेत्रीय कार्यालय
40-1-55
महात्मा गांधी रोड
बेज सर्कल के पास
विजयबाडा—520010
ग्रॉ.प्र. प्रदेश</p> |
| <p>19. सिडिकेट बैंक
मुख्य शाखा
अगडी बिल्डिंग, पहली मंजिल
बेगलूर रोड
डा.पे.सं. 16
बल्लारी - 583 101
कर्नाटक</p> | <p>26. सिडिकेट बैंक
अफजलगंज शाखा
15-5-101 से 104
महाराणी खासी रोड
अफजलगंज
हैदराबाद—500012
ग्रॉ.प्र. प्रदेश</p> |
| <p>20. सिडिकेट बैंक
हगरिबोम्मनहल्ली शाखा
चिद्री लच्छन्ना कांप्लेक्स
पहली मंजिल, मेन बाजार
हगरिबोम्मनहल्ली - 583 212
जिला बल्लारी
कर्नाटक</p> | <p>27. सिडिकेट बैंक
बहादुरपुर शाखा
8-2-227/4
बहादुरपुर
हैदराबाद—500264
ग्रॉ.प्र. प्रदेश</p> |
| <p>21. सिडिकेट बैंक
हट्टी शाखा
हट्टी - 584 115
लिगसुगूर ता.
जिला रायचूर
कर्नाटक</p> | <p>28. सिडिकेट बैंक
चैतन्यपुरी शाखा
18-78/ए
चैतन्यपुरी X रोड
हैदराबाद—500060
ग्रॉ.प्र. प्रदेश</p> |
| <p>22. सिडिकेट बैंक
स्टेशन रोड शाखा
एस.एस.आर.जी. महाविद्यालय
स्टेशन रोड
रायचूर - 584 101
कर्नाटक</p> | <p>29. सिडिकेट बैंक
एम जी रोड शाखा
वरलक्ष्मी कांप्लेक्स, प्रथम तल
एम जी रोड, रानीगंज</p> |
| <p>23. सिडिकेट बैंक
देवरहल्ली शाखा
श्री विजयलक्ष्मी सौध
कार स्ट्रीट
देवरहल्ली - 577 215
चेन्नगिरी द्वारा
भिमोगा जिला
कर्नाटक</p> | <p>30. सिडिकेट बैंक
पत्थरगट्टी शाखा
22-7-267
धीवान देवडी
पत्थरगट्टी
हैदराबाद—500002
ग्रॉ.प्र. प्रदेश</p> |

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| <p>31. सिडिकेट बैंक
पिकेट शाखा
इण्डा क बम स्टैंड के सामने
बेलिगटन रोड, पिकेट
सिकदराबाद—500003
आंध्र प्रदेश</p> <p>32. सिडिकेट बैंक
रेल निलयम शाखा
एस सी रेलवे प्रशासन बिल्डिंग
रेल निलयम, एस सी रेलवे
सिकदराबाद—500071
आंध्र प्रदेश</p> <p>33. सिडिकेट बैंक
रामकृष्ण मठ शाखा
रामकृष्ण मठ
इंदिरा पार्क रोड, बोमलगुडा
हैदराबाद—500029
आंध्र प्रदेश</p> <p>34. सिडिकेट बैंक
नंगम वित्त शाखा
6-3-666/ए, प्रथम तल
मेन रोड, पंजागुट्टा
सोमाजीगुडा,
हैदराबाद—500082
आंध्र प्रदेश</p> <p>35. सिडिकेट बैंक
सरोजिनी देवी रोड शाखा
9-1-63/64, प्रथम तल,
अमर बिल्डिंग अपार्टमेंट
संगीत थियेटर के सामने
सरोजिनी देवी रोड
आंध्र प्रदेश</p> <p>36. सिडिकेट बैंक
जम्मलमडुगु शाखा
सं. 11/29, मेन बाजार
जम्मलमडुगु—518434
जिला कड़पा
आंध्र प्रदेश</p> <p>37. सिडिकेट बैंक
स्टेशन रोड शाखा
सं. 2/262, रेलवे स्टेशन रोड
कड़पा—516001
जिला कड़पा
आंध्र प्रदेश</p> <p>38. सिडिकेट बैंक
देवनबन्डा शाखा
देवनबन्डा—518347
पसिकोन्डा मण्डल
जिला कर्नूल
आंध्र प्रदेश</p> | <p>39. सिडिकेट बैंक
ताल्लप्रोटदूरु शाखा
ताल्लप्रोटदूरु—516474
कोन्डापुरम मंडल
जिला कड़पा
आंध्र प्रदेश</p> <p>40. सिडिकेट बैंक
खाजीपेट शाखा
मेन रोड
खाजीपेट—516203
जिला कड़पा
आंध्र प्रदेश</p> <p>41. सिडिकेट बैंक
अलमूर शाखा
अलमूर—518543
रुद्रवरम मंडल
जिला कर्नूल
आंध्र प्रदेश</p> <p>42. सिडिकेट बैंक
कर्नूल बुधवारपेट शाखा
सं. 46/678—बी—2
प्रथम तल
बुधवार पेट
कर्नूल—518002
आंध्र प्रदेश</p> <p>43. सिडिकेट बैंक
बल्लारी रायल सर्कल शाखा
होटल मयूरा बिल्डिंग
रायल सर्कल
डबल रोड
बल्लारी 583101
कर्नाटक</p> <p>44. सिडिकेट बैंक
जबलगेरा शाखा
रामराव नाडगाँड बिल्डिंग
सिधनूर रायचूर रोड
जबलगेरा—584143
रायचूर जिला
कर्नाटक</p> <p>45. सिडिकेट बैंक
मुवगल शाखा
डाकघर के पास
मुवगल—584125
लिगसुगूर तालुक
रायचूर जिला
कर्नाटक</p> |
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46. सिडिकेट बैंक
अनंतसागरम शाखा
2-115, मेन रोड
अनंतसागरम—524302
आत्मकुर तालुक, नेल्लूर जिला
आंध्र प्रदेश

47. सिडिकेट बैंक
ए. एस. पेटा शाखा
878/2, मेन रोड
ए. एस. पेटा—524504
नेल्लूर जिला
आंध्र प्रदेश

48. सिडिकेट बैंक
चगणम शाखा
चगणम—524407
सैदापुरम मंडल, नेल्लूर जिला
आंध्र प्रदेश

49. सिडिकेट बैंक
दाचूर शाखा
दाचूर—524342
रापुर तालुक, नेल्लूर जिला
आंध्र प्रदेश

50. सिडिकेट बैंक
गुडूर शाखा
197, राजा स्ट्रीट
डा. पे. सं. 25, गुडूर—524101
नेल्लूर जिला
आंध्र प्रदेश

51. सिडिकेट बैंक
मदनपल्लि शाखा
4-230, 231, एवेन्यू रोड
मदनपल्लि—517325
चित्तूर जिला
आंध्र प्रदेश

52. सिडिकेट बैंक
संगम शाखा
6/94, मुंबई रोड
संगम—524308
कोवूर तालुक, नेल्लूर जिला
आंध्र प्रदेश

53. सिडिकेट बैंक
सर्वपल्लि शाखा
सर्वपल्लि—524321
बेकटाचलम मंडल
नेल्लूर जिला
आंध्र प्रदेश

54. सिडिकेट बैंक
सैदापुरम शाखा
सैदापुरम—524407
गूडूर तालुक, नेल्लूर जिला
आंध्र प्रदेश

55. सिडिकेट बैंक
वरिकुंटपाडू शाखा
वरिकुंटपाडू—524227
उदयगिरि तालुक, नेल्लूर जिला
आंध्र प्रदेश

56. सिडिकेट बैंक
आंचलिक कार्यालय
शास्त्रमंगलम
तिरुवनंतपुरम—695010
केरल

New Delhi, the 19th February, 2001

S.O. 415.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use of official purposes of the Union) Rules, 1976 the Central Government, hereby, notifies the listed offices/branches of the following banks in the attached annexure, more than 80 per cent of the staff whereof have acquired the working knowledge of Hindi :—

S. No.	Name of the Banks	Number of Offices/ Branches
1.	Small Industrial Development Bank of India.	03
2.	Punjab National Bank.	09
3.	Corporation Bank.	77
4.	Union Bank of India.	03
5.	Syndicate Bank.	56
		<hr/> 148 <hr/>

[F. No. 11016/1/2001-Hindi]

RAMESHBABU ANTYERY, Dy. Director (OI.)

1. Small Industries Development Bank of India,
"Landmark" Building, 1st Floor,
Race Course Circle,
P.B. No. 3711,
Baroda-390007.
Telephone : (0265) 338679, 338611.

2. Small Industries Development Bank of India,
Suryakiran Hotel Building, First Floor,
C-8, Mumbai Pune Road,
Chinchwad,
Pune-411019
Telephone : (020)-7463224, 7474333.

3. Small Industries Development Bank of India,
6th Floor, Usha Complex,
345, Kingsway,
Nagpur-440001.
Telephone : (0712)-553201.

**List of Offices for notification under Rule 10(4) of
Rajbhasha Niyam, 1976**

1. Punjab National Bank,
B.O. C-13, Sector-1,
NOIDA-201301.
Uttar Pradesh.

2. Punjab National Bank,
B.O. 32 Wing, Airforce Canteen,
District Jodhpur,
Jodhpur (Rajasthan).

3. Punjab National Bank,
B.O. Inderpuri Chowk,
District Hazari Bagh,
Bihar.

4. Punjab National Bank,
Plot No. 11, Industrial Area,
Baddi, District Solan,
Simla (H.P.).

5. Punjab National Bank,
Sudama Chowk,
Kunihar, District Solan,
Simla (H.P.).

6. Punjab National Bank,
Branch : Jassuwar Gate,
Bikaner (Rajasthan).

7. Punjab National Bank,
Branch : Infantry Division,
Bikaner Cantt.,
Bikaner (Rajasthan).

8. Punjab National Bank,
Branch : Khajuwala,
District Bikaner (Rajasthan).

9. Punjab National Bank,
Branch : Kheerwa,
District : Sikar (Rajasthan).

Sl.No.	Branch/Office Name	Address	Phone Number
1	2	3	4
01	Chitradurga	Corporation Bank, Branch Office, Dummi Complex, 1st Floor, No.38, V Block P.B. No. 67, Bangalore-Davangere Road, Chitradurga-577 501. Tq. Chitradurga Dt. Chitradurga Karnataka	08194-28112(M) 22750(G)
02	Davangere-Mandipet	Corporation Bank, Branch Office, 626, 1st Floor Mandipet, P.B. No. 73, Davangere-577 001. Tq. Davangere Dt. Davangere Karnataka	08192-53775(M) 58509(G)
03	Davangere-P.B. Road	Corporation Bank, Branch Office, Ashakta Poshkara Sangha Complex, 3662, Poona-Bangalore Road, Davangere-577 002 Tq. Davangere Dt. Davangere Karnataka	08192-50696(M) 59355(G)
04	Gadag	Corporation Bank, Branch Office, "Sri Siddalinga Shilpa, Pala Badami Road, P.B. No. 31, Gadag-582 101. Tq. Gadag Dt. Gadag Karnataka	37982(M) 38482(G)

1	2	3	4
05	Hadadi	Corporation Bank, Branch Office, "Sri Ranakrisna", Main Road, Hadadi-577 525. Tq. Davangere Dt. Davangere Karnataka	08192 82432 08387 79531
06	Hadinbal	Corporation Bank, Branch Office, Opp. Bus Stand, Main Road, Hadinbal-581 361 Tq. Honnavar Dt. Uttara Kannada Karnataka	
07	Harihar	Corporation Office, Branch Office 'Bharath Beedi Building', Poona-Bangalore Road, P.B. 31, Harihar-577 601. Tq. Harihar Dt. Davangere Karnataka	08192 42357
08	Hirewaddatti	Corporation Bank, Branch Office, Hirewaddatti-582 222. Tq. Mundargi Dt. Gadag Karnataka	08371-48349
09	Honnavar	Corporation Bank, Branch Office, Above Sri Rama Mandira, Bazaar Road, Honnavar-581 334. Tq. Honnavar Dt. Uttara Kannada Karnataka	08387-20432
10	Hubli-Arvinda Nagar	Corporation Bank, Branch Office, Plot No. 199, Arvinda Nagar, Karwar Road, Hubli-580 024. Tq. Hubli Dt. Dharwad Karnataka	0836-304082(M) 306470(G)
11	Karwar	Corporation Bank, Branch Office, Radha Govind Complex, Kaikini Road, P.B. No. 25, Karwar-581 301. Tq. Karwar Dt. Uttara Kannada Karnataka	0836-304082(M) 306470(G)

1	2	3	4
12	Kurubagonda	Corporation Bank, Branch Office, Shri Mananta Nilaya, Kurubagonda-581 154 Tq. Haveri Dt. Haveri Karnataka	08375-85523
13	Makanur	Corporation Bank, Branch Office, Makanur-581 163 Tq. Ranebennur Dt. Haveri Karnataka	08373-42743
14	Sarathi	Corporation Bank, Branch Office Sarathi-577 601 Tq. Harihar Dt. Davangere Karnataka	08192-45024
15	Sirsi	Corporation Bank, Branch Office, Jayashree Lodge Building Five Road Circle, P.B. No. 32, Sirsi-581 401. Tq.-Sirsi Dt. Uttara Kannada Karnataka	08384-26287(M)25070(G)
16	Tadri	Corporation Bank, Branch Office, 'Devaki Krishna', Main Road, Tadri-581 437 Tq. Kumta Dt. Uttara Kannada Karnataka	08386-56166
17	Yaliwal	Corporation Bank, Branch Office, Yaliwal-581 207. Tq. Kundagol Dt. Dharwad Karnataka	0836-84252
18	Hubli-Vidyanagar	Corporation Bank, Branch Office, Personal Banking Branch, J.G. College of Commerce, Vidyanagar, Hubli—580021 Tq. Hubli Dt. Dharwad Karnataka	0836-372533(M)372491(G)

1	2	3	4
19	Hubli-Currency Chest	Corporation Bank, Currency Chest, Opp. Basavan Vana New Cotton Market Road, Hubli-580 029 Tq. Hubli Dt. Dharwar Karnataka	0836-352447
20.	Corporation Bank, Anna Nagar Branch, Seven Star Building, I Floor, A-80, III Avenue, Anna Nagar (East). Chennai-600102.		30. Corporation Bank, Alapakkam Branch, Kavi Arasu Vairamuthu Nagar, Alapakkam (Pin)-608801. Cuddalore Taluk, South Arcot District. Tamilnadu.
21.	Corporation Bank, CAPS Branch, Collection and Payment Services Centre (CAPS), Arul Manai, Ground Floor, 27, Whites Road, Chennai-600014.		31. Corporation Bank, Manjushree, Main Road, Arga-577432, District Shimoga. Karnataka.
22.	Corporation Bank, Egmore Branch, Commercial and Personal Bankinx Branch, Muscot Building, 37, Kasa Major Road, Ground Floor, Egmore, Chennai-600008.		32. Corporation Bank, P.B. No. 8, Azad Road, Thirthahalli-577432, District Shimoga, Karnataka.
23.	Corporation Bank, Personal Banking Branch, Arul Manai, Ground Floor, 27, Whites Road, Chennai-600014		33. Corporation Bank, Main Road, Shivani-577549, Tarikere Taluq. District Chikmagalur, Karnataka.
24.	Corporation Bank, Mylapore Branch, Temple Square, 22, North Mada Street, Mylapore, Chennai-600004.		34. Corporation Bank, P.B. No. 5, Kodagu Towers, B. M. Road, Kushalnagar-571234, District Kodagu, Karnataka.
25.	Corporation Bank, Hosur Branch, 560/I.C. Bye Pass Road, Hosur (pin)-635109, Dharmapuri District, Tamilnadu.		35. Corporation Bank, Sneha Sinchana, Main Road, Aralasurali-577414, District Shimoga, Karnataka.
26.	Corporation Bank, Karaikkal Branch, Door No. 71-A, Bharathiyar Road, Karaikkal (pin)-609602, Pondicherry, U.T.		36. Corporation Bank, P.B. No. 22, APMC Yard, Bhinnaneri, Sagar-577401, District Shimoga, Karnataka.
27.	Corporation Bank, Mambalapattu Branch, 59, Ward No. 2, Sub-Office (Pin)-605303. Mambalapattu Villupuram Taluk and District, Tamilnadu.		37. Corporation Bank, Laxmi Nilaya, Byahally Road, Kandali-573217, District Hassan, Karnataka.
28.	Corporation Bank, V. Kootu Road Branch, Sheep Farm (Post), Thalaivasal Via, V. Kootu Road (Pin)-606112, South Arcot District, Tamilnadu.		38. Corporation Bank, Collection and Payment Services Centre, 1604, Trichy Road, Coimbatore-641018.
29.	Corporation Bank, Villupuram Branch, 6, Pandit Jawaharlal Nehru Road, Villupuram (Pin)-605602. Villupuram District, Tamilnadu.		39. Corporation Bank, S.C.O. 493, Sector-35C, Chandigarh-160022.
			40. Corporation Bank, Industrial Finance Branch, Rangolee Complex, 1st Floor, Opp. U. S. Hospital, Elis Bridge, Ashram Road, Ahmedabad-380006.

41. Corporation Bank,
Naurangpura Branch,
Near Navrangpura Post Office,
Navrangpura,
Ahmedabad-380009.
42. Corporation Bank,
Bardoli Branch,
Shivam Chambers,
1st Floor, Station Road,
Bardoli-394602,
District Surat, Gujarat.
43. Corporation Bank,
Bhuj Branch,
Post Box No. 2,
Sri Prashanth Chambers,
Station Road, Kutch District,
Bhuj-370001.
44. Corporation Bank,
Gandhidham Branch,
101, Mehta Chambers,
Plot No. 235/236, Ward 12/8,
Police Station Road, P.B. No. 7,
Gandhidham-370201,
Kutch District Gujarat.
45. Corporation Bank,
Gandhi Nagar,
Udyog Bhavan Branch,
Udyog Bhavan,
Sector 10,
Gandhinagar-382010.
46. Corporation Bank,
M. J. Library Branch,
Rangolee Complex, Opp. V. S. Hospital,
Ashram Road, Ellis Bridge,
Ahmedabad-380006.
47. Corporation Bank,
Shahibaug Cross Road Branch,
1st Floor, Gumj Bazar,
P.B. No. 1110,
Opp. Ambaji Temple, Old Madhupura,
Ahmedabad-380004.
48. Corporation Bank,
Bhavnagar Branch,
'Gopi Arcade',
Opp. Takteshwar Post Office,
Waghawadi Road,
Bhavnagar-364002.
49. Corporation Bank,
Gandhinagar PBB,
Plot No. 241,
Sector 28, Near GH-6,
Gandhinagar-382028.
50. Corporation Bank,
Gondal Branch,
'Sapna' Panchnath Plot,
Gondal-360311,
Rajkot District.
51. Corporation Bank,
Navasari Branch,
Paradise Tower,
Opp. Civil Hospital,
Station Road, P.B. No. 118,
Navsari-396445.
52. Corporation Bank,
Rajkot Branch,
'Nijanand',
Dhebar Road, P.B. No. 556,
Rajkot-360002,
Gujarat.
53. Corporation Bank,
Rajkot-SSI Branch,
J.P. Towers, 1st Floor,
Tagore Marg,
Rajkot-360002.
54. Corporation Bank,
Dandia Bazar Branch,
Pratik Chambers,
Dandiabazar,
Vadodara-390001.
55. Corporation Bank,
Vallabh Vidyanagar Branch,
'Viral Plaza',
Ground Floor, P.B. No. 8,
Vallabh Vidyanagar-388120,
Anand Taluka, Kheda District,
Gujarat.
56. Corporation Bank,
Baladia Branch,
Shri Swaminarayan Temple,
Uplovas,
Baladia-370427.
57. Corporation Bank,
Madhapar Branch,
Phoolwadi Bazar,
Navanagar,
Madhapar-370020,
Bhuj Tq,
Kutch District.
58. Corporation Bank,
Alkapuri Branch,
14-15, National Plaza,
1st Floor, P.N. No. 2583,
Alkapuri,
Vadodara-390005.
59. Corporation Bank,
Vallabh V. Nagar-EC Branch,
Sardar Patel University Complex,
Vallabh Vidyanagar,
Gujarat.
60. Corporation Bank,
Anand Branch,
Jhulelal Shopping Centre,
Amul Dairy Road,
Anand-388015,
Gujarat.
61. Corporation Bank,
Satellite Branch,
Om Tower Complex,
Opp. Nirma Bungalow,
Satellite Main Road,
Ahmedabad-380015.
62. Corporation Bank,
Gurukul PBB,
Raj Plaza Complex,
1st Floor Gurukul Road,
Mernagar,
Ahmedabad-380052.
63. Corporation Bank,
Rajkot PBB,
Paritosh Apartment,
Indira Gandhi Circle,
University Road,
Rajkot-360005.
64. Corporation Bank,
Vadodara PBB,
Yuvraj Complex,
Old Padra Road,
Vadodara-390020.
65. Corporation Bank,
Tarapur Branch,
Near Swaminarayan Temple,
Tarapur-388180.
66. Corporation Bank,
Mehsana Branch,
S. No. 1990/158,
Malgodown Road,
Near Telephone Exchange,
Mehsana-384002.

67. Corporation Bank,
Caps Branch,
Rangolee Complex,
Near V. S. Hospital,
Ashram Road,
Ahmedabad-380006.
68. Corporation Bank,
Service Branch,
Near Navarangpura Post Office,
Navrangpura,
Ahmedabad-380009.
69. Corporation Bank,
Navsari-EC Branch,
D. N. Mehta Hospital Building,
J. N. Tata Road,
Luncikul,
Navsari-396445.
70. Corporation Bank,
Zonal Office,
IInd Floor,
Near Navrangpura Post Office,
Navrangpura,
Ahmedabad-380009.
71. Corporation Bank,
RZ/2, Adil Bugh,
Palam Dabri Main Road,
Palam Village,
Opp. Super Bazar,
New Delhi-110045.
72. Corporation Bank,
Plot No. 10, LSC,
Gujranwala Town, Delhi-110009.
73. Corporation Bank,
Nangloi Jat,
2, Najafgarh Road,
Nangloi, New Delhi-110041.
74. Corporation Bank,
A-6/9, Paschim Vihar,
New Delhi-110063.
75. Corporation Bank,
Zonal Office,
Mooru Savira Math Press Building,
J.F.B. New Cotton Market Road,
Post Box No. 619,
Hubli-580029.

Dharwad District,
Karnataka,
Telephone : 0836-351770, 353821, 251390, 350295.
E-mail : 352438,
Modem : 352438,
Fax : 350955.
76. Corporation Bank,
Branch Office,
'Inthru Complex',
Near Bus Stand,
Post Box No. 16,
J. N. Road,
Dandeli-581325,
Dandeli Taluk,
Uttara Kannada District,
Karnataka,
Telephone : 08284-31401, 31328.
77. Corporation Bank,
Branch Office,
T.M.C. Complex,
P.B. No. 25,
Haliyal-581329,
Haliyal Taluk,
Uttara Kannada District,
Karnataka,
Telephone : 08284-20151.

UNION BANK OF INDIA

1. Union Bank of India,
SSI Finance Branch,

Balkrishna Apartment,
Gogte Wadi Road,
Goregaon (East),
Mumbai-400063.

2. Union Bank of India,
SB High Court Branch,
High Court Compound,
Jabalpur-482001 (M.P.).
3. Union Bank of India,
Padmakar Nagar Branch,
Prince Market, 1st Floor,
Makronia Chouraha,
Padmakar Nagar, Sagar,
District : Sagar (M.P.).

SYNDICATE BANK

1. Syndicate Bank,
Banjara Hills Branch,
8-2-461/464,
Road No. 1, Banjara Hills,
Hyderabad-500034,
A.P.
2. Syndicate Bank,
Begum Bazar Branch,
15-8-347,
Boorga Commercial Complex,
Begum Bazar,
Hyderabad-500029, A.P.
3. Syndicate Bank,
Alwal Branch,
Chittamma Bhuvan,
Main Road, P.B. No. 2,
Alwal,
Secunderabad-500010,
A.P.
4. Syndicate Bank,
Bolarum Branch,
596, Sadar Bazar,
Bolarum,
Secunderabad-500010,
A.P.
5. Syndicate Bank,
Central Accounts Office,
5-4-413/416, Nampally,
Mukramjahi Road,
Hyderabad-500001,
A.P.
6. Syndicate Bank
New Nallakunta Branch,
2-2-1130/8/2,
Yelisetty House Compound,
New Nallakunta,
Hyderabad-500044,
A.P.
7. Syndicate Bank,
Shah Ali Banda Branch,
20-4-194/7,
Near Asha Talkies,
Shah Ali Banda,
Hyderabad-500265,
A.P.
8. Syndicate Bank,
Kachiguda Railway Station Branch,
Janhavi Commercial Complex,
Near Kumar Talkies,
Kachiguda Railway Station,
Hyderabad-500027,
A.P.
9. Syndicate Bank,
Sitarambagh Branch
14-1-320, Agapura,
Sitarambagh,
Hyderabad-500001,
A.P.

10. Syndicate Bank,
Rashtrapati Road Branch.
3-1-28, 29, 30/1,
Post Box No. 1565.
Rashtrapati Road,
Secunderabad-500003,
A.P.
11. Syndicate Bank,
Lingampally Branch.
3-4-781, University Road,
Near Tulja Bhavan,
Lingampally,
Hyderabad-500027, A.P.
12. Syndicate Bank,
Jeera Compound Branch,
No. 7 Jeera Compound,
Secunderabad-500063,
A.P.
13. Syndicate Bank,
Main Branch,
No. 52/172, Post Box No. 32.
Old Bus Stand Road,
Kurnool-518001,
A.P.
14. Syndicate Bank,
Rajampet Branch,
No. 4/93, Chennai Road,
Near Bus Stand,
Rajampet-516115,
District Cuddapah,
A.P.
15. Syndicate Bank,
Kowthalam Branch.
Vysya Street,
Kowthalam-518344,
District Kurnool,
A.P.
16. Syndicate Bank,
Chilpragiri Branch,
Chilpragiri-518396,
Aluru Mandal,
District Kurnool,
A.P.
17. Syndicate Bank,
Regional Office,
P.B. No. 36, 1st Floor,
Anjaneya Complex,
Second Lane, Bhagyanagar,
Ongole-523001,
A.P.
18. Syndicate Bank,
Regional Office,
Srinivas Nagar,
P.B. No. 35,
Ananthapur-515001,
A.P.
19. Syndicate Bank,
Main Branch,
Agadi Building, 1st Floor,
Bangalore Road,
P.B. No. 16,
Bellary-583101,
Karnataka.
20. Syndicate Bank,
Hagaribommanahalli Branch,
Chidri Lachhanna Complex,
First Floor, Main Bazar,
Hagaribommanahalli-583212,
District Bellary,
Karnataka
21. Syndicate Bank,
Hutti Branch,
Hutti-584115,
Lingugur Taluk,
District Raichur,
Karnataka.
22. Syndicate Bank,
Station Road Branch,
S.S.R.G. College,
Station Road,
Raichur-584101,
Karnataka.
23. Syndicate Bank,
Devarahalli Branch,
Sree Vijayalakshmi Soudha,
Car Street, Devarahalli-577215,
Via Chennagiri,
District Shimoga,
Karnataka.
24. Syndicate Bank,
Regional Office,
F-4, 1st Floor,
Indradhanu Market Complex,
Nayapalli, I.R.C. Village,
Bhubaneswar-751015.
25. Syndicate Bank,
Regional Office
40-1-55,
Mahatma Gandhi Road,
Near Benz Circle,
Vijayawada-520010,
Andhra Pradesh.
26. Syndicate Bank,
Afzalganj Branch,
15-5-101 to 104,
Maharani Jhansi Road,
Afzalganj,
Hyderabad-500012,
Andhra Pradesh
27. Syndicate Bank,
Bahadurpura Branch,
6-2-227/4,
Bahadurpura,
Hyderabad-500264,
Andhra Pradesh
28. Syndicate Bank,
Chaitanyapuri Branch,
16-78/A,
Chaitanyapuri X Road,
Hyderabad-500060,
Andhra Pradesh.
29. Syndicate Bank,
M. G. Road Branch,
Varalakshmi Complex, 1st Floor,
M. G. Road, Raniganj.
30. Syndicate Bank,
Pathergatty Branch,
22-7-267,
Deevan Devdi,
Pathergatty,
Hyderabad-500002,
Andhra Pradesh.
31. Syndicate Bank,
Picket Branch,
Opp. Ishaq Bus Stand,
Wellington Road, Picket,
Secunderabad-500003,
Andhra Pradesh
32. Syndicate Bank,
Rail Nilayam Branch,
S. C. Railway Admn. Building,
Rail Nilayam, S. C. Railway,
Secunderabad-500071,
Andhra Pradesh.
33. Syndicate Bank,
Ramakrishna Math Branch,
Ramakrishna Math,
Indira Park Road, Domalguda,
Hyderabad-500029,
Andhra Pradesh

34. Syndicate Bank,
Corporate Finance Branch,
6-3-666/A, First Floor,
Main Road, Punjagutta,
Somajiguda,
Hyderabad-500002.
Andhra Pradesh.
35. Syndicate Bank,
Sarojini Devi Road Branch,
9-1-83/84, First Floor,
Amar Builders Apartment,
Opp. Sangeet Theatre,
Sarojini Devi Road.
Andhra Pradesh.
36. Syndicate Bank,
Jammalamadugu Branch,
No. 11/29, Main Bazar,
Jammalamadugu-516434.
District Cuddapah,
Andhra Pradesh.
37. Syndicate Bank,
Station Road Branch,
No. 2/262, Railway Station Road.
Cuddapah-516001,
District Cuddapah,
Andhra Pradesh.
38. Syndicate Bank,
Devanbanda Branch,
Devanbanda-518347,
Patthikonda Mandal,
District Kurnool,
Andhra Pradesh.
39. Syndicate Bank,
Tallaprodatur Branch,
Tallaodatur-516474,
Kondapuram Mandal,
District Cuddapah
Andhra Pradesh.
40. Syndicate Bank,
Khajipeta Branch,
Main Road,
Khajipeta-516203,
District Cuddapah,
Andhra Pradesh.
41. Syndicate Bank,
Alamur Branch,
Alamur-516543,
Rudravaram Mandal,
District Kurnool,
Andhra Pradesh.
42. Syndicate Bank,
Kurnool Budhwarpet Branch,
No. 46/676-B-2,
1st Floor,
Budhwarpeta,
Kurnool-518002,
Andhra Pradesh.
43. Syndicate Bank,
Bellary Royal Circle Branch,
Hotel Mayura Building,
Royal Circle,
Double Road,
Bellary-563101,
Karnataka.
44. Syndicate Bank,
Jawalgera Branch,
Ramrao Nedgaud Building,
Sindhaur Raichur Road,
Jawalgera 584143,
Raichur District,
Karnataka.
45. Syndicate Bank,
Mudgal Branch,
Near Post Office,
Mudgal-584125,
Lingsugur Taluk,
Raichur District,
Karnataka.
46. Syndicate Bank,
Atmasagaram Branch,
2-115, Main Road,
Atmasagaram-524302,
Atmakur Taluk, Nellore District,
Andhra Pradesh.
47. Syndicate Bank,
A. S. Peta Branch,
878/2, Main Road,
A. S. Peta-524504,
Nellore District,
Andhra Pradesh.
48. Syndicate Bank,
Cheganam Branch,
Chaganam-524407,
Sydapuram Mandal,
Nellore District,
Andhra Pradesh.
49. Syndicate Bank,
Dechuru Branch,
Dechuru-524342,
Rapur Taluk,
Nellore District,
Andhra Pradesh.
50. Syndicate Bank,
Gudur Branch,
197, Raja Street,
P.B. No. 25, Gudur-524101,
Nellore District,
Andhra Pradesh.
51. Syndicate Bank,
Madanpalli Branch,
4-230, 231, Avenue Road,
Madanpalli-517325,
Chittoor District,
Andhra Pradesh.
52. Syndicate Bank,
Sangam Branch,
6/94, Mumbai Road,
Sangam-524308,
Kovur Taluk, Nellore District,
Andhra Pradesh.
53. Syndicate Bank,
Surveyipalli Branch,
Surveyipalli-524321,
Venkatachalam Mandal,
Nellore District,
Andhra Pradesh.
54. Syndicate Bank,
Sydapuram Branch,
Sydapuram-524407,
Gudur Taluk,
Nellore District,
Andhra Pradesh.
55. Syndicate Bank,
Varikuntapadu Branch,
Varikuntapadu-524227,
Udayagiri Taluk,
Nellore District,
Andhra Pradesh.
56. Syndicate Bank,
Zonal Office,
Sasthamangalam,
Tiruvananthapuram-695010.

वाणिज्य और उद्योग मंत्रालय

(वाणिज्य विभाग)

आदेश

नई दिल्ली, 13 फरवरी, 2001

का. आ. 416—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार की यह राय है कि मानव केश के भारत से निर्यात व्यापार के विकास के लिए भारत सरकार के वाणिज्य मंत्रालय के आदेश सं. का. आ. 1975, तारीख 17 मई, 1986 को, नीचे विनिर्दिष्ट रीति में अधिकाृत करना आवश्यक और समीचीन है,

और, केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं और उन्हे निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षानुसार, निर्यात निरीक्षण परिषद को अप्रेषित कर दिया गया है।

और, केन्द्रीय सरकार अब उक्त उपनियम के अनुसरण में, उक्त प्रस्तावों को इनसे प्रभावित होने वाली जनता की जानकारी के लिए प्रकाशित करती है।

और, उक्त प्रस्ताव के संबंध में, कोई आशेष या सुझाव भेजने की वाछा रखने वाला व्यक्ति इस आदेश के राजपत्र में प्रकाशन की तारीख से पैंतालीस दिनों के भीतर, निर्यात निरीक्षण परिषद, 11वां तल, प्रगति टावर, 26, राजेन्द्र प्लेस, नई दिल्ली-110008 को भेज सकता है।

प्रस्ताव

1 अधिमूचित करना की मानव केश निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे,

2 मानव केश निर्यात (निरीक्षण) नियम, 2001 प्रारूप के अनुसार निरीक्षण के प्रकार को, निरीक्षण के उस प्रकार के रूप में विनिर्दिष्ट करना जो निर्यात से पूर्व ऐसे मानव केश को लागू होगा। (उपाबंध-II)

3. इस आदेश के उपबंध I में उपबर्णित विनिर्देशों को मानव केश के मानक विनिर्देशों के रूप में मान्यता देना,

4. अंतर्राष्ट्रीय व्यापार के अनुक्रम में मानव केश (दोनों ओर से काटे हुए) और मानव केश अपशिष्ट (धुले टुकड़ों) के निर्यात को जिनके निरीक्षण के विनिर्देश इस आदेश के उपबंध में दिए गए हैं तब तक प्रतिषिद्ध करना जब तक कि निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन इस प्रयोजन के लिए कलकत्ता, मुम्बई, कोचीन, दिल्ली और मद्रास में स्थापित किसी एक निर्यात निरीक्षण अभिकरण द्वारा जारी किया गया इस आशय का प्रमाण-पत्र कि मानव केश निर्यात योग्य है, इसके साथ मंलग्न नहीं कर दिया जाता।

इस आदेश की कोई भी बात भावी क्रेताओं को भूमि समुद्री ओर वायु मार्ग से मानव केश के ऐसे नमूनों के निर्यात को लागू नहीं होगी जिनका मूल्य समय-समय पर एब्जिम नीति में अधिकथित अनुज्ञेय की सीमा से अधिक नहीं होगा और जहां ऐसे उपबंध विद्यमान हैं, वहां खुले बाजार में नमूने (नमूनों) की मूल्य सीमा 6500 रु. से अधिक नहीं होगी।

[फा. सं. 6/1/2001—ई आई एण्ड ई पी]
पी. के. दास, निदेशक (ई आई एण्ड ई पी)

उपाबंध-I

विनिर्देश

मानव केश अपशिष्ट (बारबर कटिंग्स) से भिन्न मानव केश पूर्णतया ससाधित किए हुए (दोनों ओर से काटे गए) अच्छी प्रकार धोए और सुखाए हुए होंगे। मानव केशों को अपशिष्ट (टुकड़ों) की सनी भांति धोया और सुखाया जाएगा तथा जिनका अपवर्ध भार के अनुसार 0.5 प्रतिशत क्रेता द्वारा विनिर्दिष्ट मात्रा से अधिक नहीं होगा। मानव केश (एक ओर से काटे गए) और मानव केश अपशिष्ट (बारबर कटिंग्स) सहित इस आदेश से अपवर्णित हैं और मुक्त रूप से निर्यात योग्य हैं। मानव केश (दोनों ओर से काटे गए) और मानव केश अपशिष्ट (टुकड़ों) सहित निर्यातकर्ता की घोषणा के अनुसार निम्नलिखित विनिर्देशों के अनुरूप होंगे।

आकार		बडल की लम्बाई		प्रत्येक बाल की लम्बाई
से.मी.	इंच	से.मी.	इंच	इंच
				110.2 से.मी. (4 से.कम)
10.2	4	(10.2-12.7)	(4-5)	2-5
12.7	5	(12.7-15.2)	(5-6)	3-6
15.2	6	(15.2-17.8)	(6-7)	4-7
17.8	7	(17.8-20.3)	(7-8)	5-8
20.3	8	(20.2-22.9)	(8-9)	6-9

1	2	3	4	5
22.9	9	(22.9-25.4)	(9-10)	7-10
25.4	10	(25.4-27.9)	(10-11)	8-11
27.7	11	(27.9-30.5)	(11-12)	9-12
30.5	12	(30.5-33.0)	(12-13)	10-13
33.0	13	(33.0-35.6)	(13-14)	11-14
35.6	14	(35.6-38.1)	(14-15)	12-15
38.1	15	(38.1-40.6)	(15-16)	13-16
40.6	16	(40.6-43.2)	(16-17)	14-17
43.2	17	(43.2-45.7)	(17-18)	15-18
45.7	18	(45.7-48.3)	(18-19)	16-19
48.3	19	(48.3-50.8)	(19-20)	17-20
50.8	20	(50.8-53.3)	(20-21)	18-21
53.3	21	(53.3-55.9)	(21-22)	19-22
55.9	22	(55.9-58.4)	(22-23)	20-23
58.4	23	(58.4-61.0)	(23-24)	21-24
61.0	24	(61.0-63.5)	(24-25)	22-25
63.5	25	(63.5-66.0)	(25-26)	23-26
66.0	26	(66.0-68.6)	(26-27)	24-27
68.6	27	(68.6-71.1)	(27-28)	25-28
71.1	28	(71.1-73.7)	(28-29)	26-29
73.7	29	(73.7-76.2)	(29-30)	27-30
76.2	30	(76.2-78.7)	(30-31)	28-31

सह्यता

पैकिंग

- (1) जब बंडल का आकार मीट्रिक प्रणाली में (अर्थात् से. मी. में) अभिव्यक्त किया जाता है तो बंडल की लम्बाई की सह्यता $+ 2.5$ से. मी. और -0 से. मी. होगी ।
- (2) जब बंडल का आकार मीट्रिक प्रणाली में (अर्थात् से. मी. में) अभिव्यक्त किया जाता है तो पृथक-पृथक बाल की लंबाई की सह्यता $+ 2.5$ से. मी. और -5.0 से. मी. होगी । तथापि, सह्यता घटा की ओर 15 प्रतिशत से अधिक नहीं होगी ।
- (3) टुकड़ों की लंबाई 10.2 से. मी. (4") से कम होगी, इससे ऊपर के आकार के बाल 20 प्रतिशत से अधिक नहीं होंगे ।

- (1) बंडलों को गत्तों के डिब्बों में या लकड़ी के बक्सों में या श्रेता के अनुरोध पर अन्य किसी पैकिंग में पैक किया जाएगा ।

- (2) मानव केश के अपण्डितों (टुकड़ों) की दशा में इसे श्रेता के विनिर्देशों के अनुसार या गांठों में पैक किया जाएगा । इस प्रकार के पैकेजों को उपयुक्त रूप से सील किया जाएगा ।

उपाबंध-II

केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 1976 तारीख 17-5-1986 के साथ प्रकाशित मानव केश (केश

(निरीक्षण) नियम, 1986 को, उन बातों के भिन्न अधिकार करते हुए, जिन्हें ऐसे अधिकरण से पहले किया गया है या करने का लोप किया गया है, निम्नलिखित नियम बनाती है, अर्थात् :—

1 सक्षिप्त नाम तथा प्रारम्भ :—(1) इन नियमों का सक्षिप्त नाम मानव केश (निरीक्षण) नियम, 2001 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं :—इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,

“अधिकरण” से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन कलकत्ता, मुम्बई, दिल्ली, कोचीन और चेन्नई में स्थापित निर्यात निरीक्षण अधिकरण अभिप्रेत है।

3. निरीक्षण का आधार :—निर्यात के लिए आशयित मानव केश का निरीक्षण इस दृष्टि से किया जाएगा कि मानव केश निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त विनिर्देशों के (जिन्हें इसमें इसके आगे मानक विनिर्देश कहा गया है) अनुरूप है।

4 निरीक्षण की प्रक्रिया :—(3) मानव केश का निर्यात करने का इच्छुक निर्यातकर्ता अपने ऐसा करने के आशय की सूचना लिखित में देगा तथा ऐसी सूचना के साथ ऐसे निर्यात से संबंधित निर्यात संविदा में अनुबंधित विनिर्देशों की घोषणा अधिकरण के निकटतम कार्यालय को देगा जिसमें कि वह नियम 3 के अनुसार, निरीक्षण कर सके।

(2) उपनियम (1) के अधीन प्रत्येक सूचना और घोषणा परेपण के भेजे जाने से पांच दिन में अन्यून पूर्व प्रस्तुत की जाएगी।

(3) उपनियम (2) के अधीन सूचना और घोषणा प्राप्त होने पर अधिकरण, मानव केश के परेपण का निरीक्षण इस संबंध में निर्यात निरीक्षण परिषद द्वारा, समय-समय पर जारी किए गए अनुदेशों के अनुसार, इस दृष्टि से करेगा कि वह नियम 3 में निर्दिष्ट मान्यताप्राप्त विनिर्देशों की अपेक्षाओं के अनुरूप है और निर्यातकर्ता निरीक्षण के लिए अधिकरण को सभी आवश्यक सुविधाएं उपलब्ध कराएगा जिससे कि वह निरीक्षण कर सके।

(4) निरीक्षण करने पर यदि यह पाया जाता है कि सामग्री नियम 3 की अपेक्षाओं के अनुरूप है तो उसे

अधिकरण द्वारा इस निमित्त प्राधिकृत निर्यात निरीक्षण अधिकरण के अधिकारियों की उपस्थिति में निर्यात निरीक्षण परिषद् के प्लायगे का प्रयोग करते हुए, मिग्नाइड सील या सीमा सील में सीलबंद या पैक किया जाएगा।

5 निरीक्षण का प्रमाणपत्र :—यदि निरीक्षण करने के पश्चात् अधिकरण का यह समाधान हो जाता है कि निर्यात किए जाने वाले मानव केश का परेपण उपरोक्त नियम 3 में दी गई अपेक्षाओं के अनुरूप है तो वह पांच दिन के भीतर यह घोषणा करने हुए प्रमाणपत्र जारी कर देगा कि परेपण निर्यात योग्य है।

परन्तु जहां अधिकरण का इस प्रकार समाधान नहीं होता है, वहां वह उक्त पांच दिन की अवधि के भीतर ऐसा प्रमाणपत्र जारी करने से इंकार कर देगा और ऐसे इंकार की सूचना उसके कारणों सहित निर्यातकर्ता को देगा।

6 निरीक्षण का स्थान :—इन नियमों के अधीन मानव केश का प्रत्येक निरीक्षण माल की पैकिंग से अधिमानतः पूर्व निर्यात के परिसर में या लक्षन पत्तन में किया जाएगा।

7. निरीक्षण फीस :—प्रत्येक परेपण के पोट पर्यन्त निशुल्क मूल्य के प्रति एक सौ रुपये के लिए पचास पैसे की दर से प्रत्येक फीस इन नियमों के अधीन निरीक्षण फीस के रूप में परेपण के लिए न्यूनतम 10 रु. सदन की जाएगी।

8. अपील :—(1) नियम 5 के अधीन अधिकरण द्वारा प्रमाणपत्र जारी करने से इंकार करने करने से व्यक्ति कोई व्यक्ति उसके द्वारा ऐसे इंकार की संसूचना प्राप्त होने के दस दिन के भीतर, कम से कम तीन परन्तु साल से अनधिक व्यक्तियों से मिलकर बने रहने वाले विशेषज्ञों के पैनल, जो केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए गठित किया जाए, के समक्ष अपील कर सकेगा।

(2) विशेषज्ञों के पैनल की कुल सदस्यता के कम से कम दो तिहाई सदस्य गैर-सरकारी सदस्य होंगे।

(3) पैनल की गणपूर्ति तीन से होगी।

(4) अपील को इसके प्राप्त होने से पन्द्रह दिन के भीतर निपटा दिया जाएगा।

• MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

ORDER

New Delhi, the 13th February, 2001

S.O. 416.—Where the Central Government is of the opinion that in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22

of 1963), it is necessary and expedient to supersede the order of Government of India in the Ministry of Commerce No. S.O. 1975, dated 17th May, 1986 regarding Human Hair in the manner specified below for the development of the export trade of India;

And, whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

And, whereas, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby;

And, whereas, any person desiring to forward any objections or suggestions with respect to the said proposal may forward the same within forty five days from the date of the publication of this order in the Official Gazette to the Export Inspection Council, 11th Floor, Pragati Tower, 26, Rajendra Place, New Delhi-110008.

PROPOSAL

1. To notify that Human Hair shall be subjected to quality control and inspection prior to export.

2. To specify the type of inspection in accordance with draft Export of Human Hair (Inspection) Rules, 2001 as the type of Inspection which shall be applicable to such Human Hair prior to export. (Annexure-II).

3. To recognize the specifications as set out in the Annexure-I to this order as the standard specifications for Human Hair.

4. To prohibit the exports in the course of International Trade of Human Hair (double drawn) and Human Hair waste (washed tukkus) specifications for inspection of which are given in Annexure of this order, unless the same is accompanied by a certificate issued by any of the Export Inspection Agencies established at Mumbai, Calcutta, Cochin, Delhi and Chennai for the purpose under Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that human hair is exportworthy.

Nothing in this order shall apply to the export by land or sea or air of samples of Human Hair to prospective buyers, the value of which shall not exceed permissible limits as laid down in Exam Policy from time to time and where no such provisions exist the value limit of free samples(s) shall not exceed Rs. 500.

[F. No. 6/1/2001-EI&EP]

P. K. DAS, Director (EI&EP)

ANNEXURE-I

Specifications :

The human hair, other than human hair waste (Barber Cuttings) shall be fully processed (Double drawn) well washed, and dried. In the case of human hair waste (tukkus) it shall be washed and dried. The impurities shall not exceed 0.5% by weight or as specified by the buyer. The Human Hair (Single Drawn) and Human Hair Waste (barber cuttings) are excluded from this order and freely exportable. The human hair (Double Drawn) and Human Hair Waste (tukkus) shall

Size			Bundle Length	Individual Hair Length
Cms.	Inches	Cms.	Inches	Inches
Tukkus				
				Less than 10.2 Cms (4")
1	2	3	4	5
10.2	4	(10.2—12.7)	(4—5)	2—5
12.7	5	(12.7—15.2)	(5—6)	3—6
15.2	6	(15.2—17.8)	(6—7)	4—7
17.8	7	(17.8—20.3)	(7—8)	5—8
20.3	8	(20.2—22.9)	(8—9)	6—9
22.9	9	(22.9—25.4)	(9—10)	7—10
25.4	10	(25.4—27.9)	(10—11)	8—11
27.7	11	(27.9—30.5)	(11—12)	9—12

1	2	3	4	5
30.5	12	(30.5—33.0)	(12—13)	10—13
33.0	13	(33.0—35.6)	(13—14)	11—14
35.6	14	(35.6—38.1)	(14—15)	12—15
38.1	15	(38.1—40.6)	(15—16)	13—16
40.6	16	(40.6—43.2)	(16—17)	14—17
43.2	17	(43.2—45.7)	(17—18)	15—18
45.7	18	(45.7—48.3)	(18—19)	16—19
48.3	19	(48.3—50.8)	(19—20)	17—20
50.8	20	(50.8—53.3)	(20—21)	18—21
53.3	21	(53.3—55.9)	(21—22)	19—22
55.9	22	(55.9—58.4)	(22—23)	20—23
58.4	23	(58.4—61.0)	(23—24)	21—24
61.0	24	(61.0—63.5)	(24—25)	22—25
63.5	25	(63.5—66.0)	(25—26)	23—26
66.0	26	(66.0—68.6)	(26—27)	24—27
68.6	27	(68.6—71.1)	(27—28)	25—28
71.1	28	(71.1—73.7)	(28—29)	26—29
73.7	29	(73.7—76.2)	(29—30)	27—30
76.2	30	(76.2—78.7)	(30—31)	28—31

TOLERANCES

(1) When the bundle size is expressed in metric system (i.e. in cms.) the tolerance shall be +2.5 cms and —0 cms on bundle length

(2) When the bundle size is expressed in metric system (i.e. in cms.) the tolerance on individual hair length shall be +2.5 cms and —5.0 cms. However, tolerance shall not exceed 15% on minus side.

(3) For Tukkus hair length shall be less than 10.2 cms (4"), hair above this size should not be exceed 20%.

1963) and in supersession of the Export of Human Hair (Inspection) Rules, 1986 published with the notification of the Government of India in the Ministry of Commerce No. S.O 1976, dated the 17-5-1986, except as respects things done or omitted to have been done before such supersession. The Central Government hereby makes the following rules, namely;

B. PACKING :

1. The bundle shall be packed in card board cartons or in wooden boxes or any other packing as requested by the buyer.
2. In the case of human hair waste (tukkus) it shall be packed as per buyer's specifications or baled. Such packages should be sealed suitably.

Annexure II

In exercise of the powers conferred by Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of

1. Short title and commencement.—(1) These rules may be called the Export of Human Hair (Inspection) Rules, 2001.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise required 'Agency' means the Export Inspection Agencies established at Calcutta, Mumbai, Delhi, Cochin and Chennai under the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

3. Basis of Inspection.—Inspection of Human Hair intended for export shall be carried out with a view to seeing that the human hair conforms to the specifications recognized by the Central Government under section 6 of the Export (Quality Control and Inspection) Act, 1963 (hereinafter referred to as the standard specifications).

4. Procedure of Inspection.—(1) An exporter intending to export human hair shall give intimation in writing of his intention so to do, and submit alongwith such intimation a declaration of the specifications stipulated in the contract relating to such export to the nearest office of the Agency to enable it to carry out the inspection in accordance with rule 3.

(2) Every intimation and declaration under sub rule (1) shall be submitted not less than five days before the despatch of the consignment.

(3) On receipt of the intimation and declaration under sub rule (2) the Agency shall inspect the consignment of human hair in accordance with the instructions issued by the Export Inspection Council in this behalf from time to time, with a view to seeing that the same complies with the requirements of the recognized specifications referred to in rule 3, and the exporter shall provide all necessary facilities to the Agency to enable it to carry out such inspection.

(4) If no inspection, the material is found to comply with the requirements of rule 3, it shall be packed and sealed with sigmoid seal or lead seals using EIC pliers in the presence of the officers of FIAs authorized in this behalf by the Agency.

5. Certificate of Inspection.—If after inspection, the Agency is satisfied that the consignment of human hair to be exported complied with the requirements given in rule 3 above, it shall within 5 days issue a certificate declaring the consignment as exportworthy.

Provided that where the Agency is not so satisfied, it shall within the said period of five days refuse to issue such certificate and communicate such refusal to the exporter alongwith reasons therefore.

6. Place of Inspection.—Every inspection of human hair under these rules shall be carried out at the premises of the exporter preferably prior to the packing of goods or at the port of shipment.

7. Inspection Fee.—Subject to minimum of Rs. 10 for each consignment a fee of the rate of fifty paise for every one hundred rupees of the Free on Board value of each such consignment shall be paid as inspection under these rules.

8. Appeal.—(1) Any person aggrieved by the refusal of the inspection Agency to issue certificate under rule 5, may, within ten days of the receipt of constitutions of such refusal to him prefer an appeal to a panel of experts continuing of not less than three but not more than seven persons, as may be appointed for the purpose by the Central Government.

9. At least two thirds of the total membership of the panel of experts all consist of non officials.

(3) The quorum for the panel shall be three.

(4) The appeal shall be disposed of within fifteen days of its receipt.

(औद्योगिक नीति और संवर्धन विभाग)

नई दिल्ली, 13 फरवरी, 2001

का.आ. 417.—केन्द्रीय सरकार, राजभाषा (सघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम (10) के उप नियम (4) के अनुसरण में वाणिज्य और उद्योग मंत्रालय के औद्योगिक नीति और संवर्धन विभाग के अधीन आर्थिक सलाहकार का कार्यालय, उद्योग भवन, नई दिल्ली, जिसमें 80 प्रतिशत कर्मचारीवृंद ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :

[संख्या ई-12012/1/1997-हिन्दी]

ए.ई. अहमद, संयुक्त सचिव

(Department of Industrial Policy and Promotion)

New Delhi, the 13th February, 2001

S.O. 417.—In pursuance of sub rule (4) of rule (10) of the Official Language (Use for official purpose of the Union) Rules, 1976, the Central Government hereby notifies the office of the Economic Adviser, Udyog Bhawan New Delhi, under the Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, whose 80 per cent staff have acquired working knowledge of Hindi.

[No. E-12012/1/97-Hindi]

A. E. AHMAD, Jt. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

आदेश

नई दिल्ली, 7 फरवरी, 2001

का.आ. 418.—उक्त विश्वविद्यालय बंगलादेश द्वारा प्रदत्त आयुर्विज्ञान अर्हता एम.बी.बी.एस. भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) के प्रयोजन के लिए उक्त अधिनियम की धारा 14 के अधीन एक मान्यता प्राप्त आयुर्विज्ञान अर्हता है :

और डा. हसन काजीमबुल जिनके पास उक्त अर्हता है, मद्रास मेडिकल मिशन अस्पताल अनुसंधान प्रशिक्षण, चेन्नई से पूर्व कार्य के लिए और न कि निजी लाभ के लिए संलग्न है ;

अतः अब उक्त अधिनियम की धारा 14 की उपधारा (1) के खंड (ग) के अनुसरण में केन्द्र सरकार एतद्वारा

विनिर्दिष्ट करती है कि डा. हसन काजी अबुल द्वारा भारत में चिकित्सा व्यवसाय की अवधि इस आदेश के जारी होने की तारीख से :—

(क) 9 अप्रैल, 2001 तक की अवधि अवकाश

(ख) उस अवधि तक, जिसके दौरान डा. हसन काजी अबुल मद्रास मेडिकल मिशन अस्पताल अनुसंधान प्रशिक्षण चेन्नई से संबन्धित रहते हैं, जो भी लघुतर हो :

सीमित होगी ।

[संख्या बी. 11016/1/99-एम . ई. (यू. जी.)]

पी. जी. कलाधरन, अवसर सचिव,

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

ORDER

New Delhi, the 7th February, 2001

S.O. 418.—Whereas medical qualification M.B.B.S. granted by University of Dhaka, Bangladesh is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And whereas Dr. Hasan Kazi Abul who possess the said qualification is attached to Madras Medical Mission, Hospital Research Training, Chennai for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Hasan Kazi Abul in India shall be limited :—

- a period upto 9th April, 2001 from the date of issue of this order, or
- the period during which Dr. Hassan Kazi Abul is attached to the Madras Medical Mission Hospital Research Training Chennai, whichever is shorter.

[No. V-11016/1/99-ME(UG)]

P. G. KALADHARAN, Under Secy.

शुद्धि पत्र

नई दिल्ली, 20 फरवरी, 2001

का.आ. 410.—इस मंत्रालय की दिनांक 13-11-2000 को अधिसूचना संख्या बी. 12018/6/2000-पी.एम.एस. की तेरहवीं और सोलहवीं पंक्तियों में आए “76” और “77” अंकों के स्थान पर क्रमशः “78 और “79” अंक रखे जाएंगे ।

2. उपर्युक्त अधिसूचना के अन्य विषयवस्तु अपरिवर्तित रहेंगे ।

[संख्या बी. 12018/6/2000-पी.एम.एस.]

एस. के. राव, निदेशक (एम . ई.)

CORRIGENDUM

New Delhi, the 20th February, 2001

S.O. 419.—Figures ‘76’ and ‘77’ appearing in thirteenth and sixteenth lines respectively of this Ministry’s notification No. V. 12018/6/2000-PMS dated 13-11-2000 shall be substituted by figures ‘78’ and ‘79’ respectively.

2. Other contents of the above cited notification shall remain unchanged.

[No. V. 12018/6/2000-PMS]

S. K. RAO, Director (ME)

कृषि मंत्रालय

(कृषि एवं सहकारिता विभाग)

नई दिल्ली, 1 फरवरी, 2001

का. आ. 420.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में कृषि एवं सहकारिता विभाग, कृषि मंत्रालय के स्वायत्त संगठन राष्ट्रीय सहकारी विकास निगम, नई दिल्ली के निम्नलिखित कार्यालय को जिसके 80 % कर्मचारी वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

क्षेत्रीय निदेशालय,
8, कन्निंगहम रोड,
बैंगलूर-560052

[सं. 3-15/93-हिन्दी नीति]

के. डी. सिन्हा, संयुक्त सचिव

MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

New Delhi, the 1st February, 2001

S.O. 420.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office of the National Cooperative Development Corporation, New Delhi an autonomous body under the control of the Department of Agriculture and Cooperation, Ministry of Agriculture, 80 per cent staff whereof have acquired the working knowledge of Hindi —

Regional Directorate,
8, Cannigham Road,
Bangalore-560052.

[No. 3-15/93-Hindi Neeti]

K. D. SINHA, Jt. Secy

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 16 फरवरी, 2001

का.आ. 421 —केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, दूरदर्शन महानिदेशालय और विज्ञापन और दृश्य प्रचार निदेशालय (सूचना और प्रसारण मंत्रालय) के अधीनस्थ कार्यालयों जिनके 80 प्रतिशत से अधिक कर्मचारी वृत्त ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है को अधिसूचित करती है —

- 1 दूरदर्शन केन्द्र, नागपुर
- 2 दूरदर्शन केन्द्र, डाल्टनगंज
- 3 दूरदर्शन अनुरक्षण केन्द्र, पोली
- 4 दूरदर्शन अनुरक्षण केन्द्र, कोटा
- 5 दूरदर्शन उच्च शक्ति प्रेषित, मसुरी
- 6 दूरदर्शन उच्च शक्ति प्रेषित अमृतसर
- 7 दूरदर्शन अनुरक्षण केन्द्र रतलाम
- 8 दूरदर्शन केन्द्र इन्दौर

- 9 दूरदर्शन अल्प शक्ति प्रेषित पंचमढी
- 10 क्षेत्रीय प्रदर्शनी एकक (वाहन), ईटानगर
- 11 क्षेत्रीय प्रदर्शनी एकक, कोहिमा
- 12 क्षेत्रीय प्रदर्शनी एकक, भुवनेश्वर
- 13 क्षेत्रीय प्रदर्शनी एकक, कलकत्ता
- 14 क्षेत्रीय प्रदर्शनी एकक, तुरा

[स ई-11011/1/93- हिन्दी]

मनय सिंह कटारिया निदेशक (राजभाषा)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 16th February, 2001

S.O. 421.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (use for official purpose of the Union) Rule, 1976, the Central Government hereby notify the following Subordinate Offices of the DG : Doordarshan & DAVP (Ministry of Information and Broadcasting), the staff whereof more than 80% have acquired the working knowledge of Hindi :—

1. Doordarshan Centre, Nagpur.
2. Doordarshan Centre, Daltanganj
3. Doordarshan Maintenance Centre, Pauri.
4. Doordarshan Maintenance Centre, Kota.
5. Doordarshan High Power Transmitter, Mussorie.
6. Doordarshan High Power Transmitter, Amritsar
7. Doordarshan Maintenance Centre, Ratlam.
8. Doordarshan Centre, Indore.
9. Doordarshan Low Power Transmitter, Pahchmari.
10. Regional Exhibition Unit, (Van), Itanagar.
11. Regional Exhibition Unit, Kohima.
12. Regional Exhibition Unit, Bhuvneshwar.
13. Regional Exhibition Unit, Calcutta.
14. Regional Exhibition Unit, Tura.

S. S. KATARIA, Director(OL)

[No. E-11011/1/93-Hindi]

उपभोक्ता मामले खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 13 फरवरी, 2001

का.आ. 422 —भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	शीर्षक भारतीय मानक	भारतीय मानक संख्या/भाग/ अनुभाग वर्ष
1	2	3	4	5	6
1	6239166	2000/10	मै. इंडस्ट्रीज एंड केमिकल्स प्लॉट नं. 49 एवं 81, मिडको इंडस्ट्रियल एस्टेट, रानीपेट 632 403	साइपर मेथीन, ईसी	आईएस 12016 87

1	2	3	4	5	6
2.	6239267	2000/10	मै. इंडस्ट्रीज एंड केमीकल्स प्लॉट नं. 49 और 81, सिडको इंडस्ट्रियल एस्टेट, रानीपेट 632 403	फेनवेलरेट, ईसी	आईएस 11997 : 87
3.	6239368	2000/10	मै. अंजनी पोर्टलैंड सीमेंट लिमिटेड चिन्तलापलेम गांव मेरुलाचूख्व मंडल नलगौड जिखा, आ.प्र. 508 216	53 ग्रेड सामान्य पोर्टलैंड सीमेंट	आईएस 12269 : 87
4.	6239469	2000/10	मै. फेरोक बोर्डिंग लि., बीबी 4/394 फेरोक कॉलेज (वाया) कराड पी.ओ. कालीकट 673 632 केरल राज्य	सामान्य प्रयोजन हेतु प्लाईवुड	आईएस 00303 : 89
5.	6239570	2000/10	मै. एसोसिएटिड लैटेक्स (इंडिया) प्रा. लि., 6/688, फातिमा एस्टेट, पश्चिमूकू पोस्ट, मैसूर मालामूकम कालीकट	अमोनिया परिरक्षित प्राकृतिक खड का सांद्र लैटेक्स	आईएस 05430 : 81
6.	6239671	2000/10	मै. अक्षय गंगा इन्वेस्टमेंट एसवाई नं. 12/3 बेसायकनहल्ली थोट्टिकेरे रोड, बेसायकनहल्ली पोस्ट, सिपूर तालुक, कर्नाटक राज्य 572201	पेयजल आपूर्ति के लिए गैर- प्लास्टिकृत पीपीसी पाइप	आईएस 04985 : 88
7.	6239772	2000/10	मै. ट्रोपिकल एग्रो सिस्टम (इंडिया) लि., 530/2बी, वनगरम रोड, अम्बातूर चेन्नई 600 058	कीटनाशक—ट्रायडिमेफॉम डब्ल्यूपी	आईएस 13329 : 92
8.	6239873	2000/10	मै. ट्रोपिकल एग्रो सिस्टम (इंडिया) लि., 530/2बी, वनगरम रोड, अम्बातूर चेन्नई 600 058	मीटलकसल मेनकोजेब डब्ल्यू पी.	आईएस 13692 : 93
9.	6239974	2000/10	मै. जयलक्ष्मी फर्टिलाइजर्स, वेंकटरायपुरम, तानुकू 534 215	कीटनाशक—फोरेट जी संपुटित	आईएस 09359 : 96
10.	6240050	2000/10	मै. जयलक्ष्मी फर्टिलाइजर्स वेंकटरायपुरम, तानुकू 534 215	मोनोक्रोटोफॉस एसएस	आईएस 08074 : 90
11.	6240151	2000/10	मै. हैवराबाद केमीकल सप्लाय लि., ए-24/25 एपीआईईई, बालानगर हैवराबाद 500 037	कृषि कीटनाशी—एनिलोफस ईसी	आईएस 13403 : 92

1	2	3	4	5	6
12.	6240252	2000/10	मै. रॉय इंडस्ट्रीज लि., प्लॉट नं. 127 व 128, आईडीए, मेडवल, भा. प्र.	तेज उद्यान निर्मित चीनी मिष्ठान	आईएस 01008 : 81
13.	6240353	2000/10	मै. सुमुखा सोमेंट्स प्लॉट नं. 193, 194, 197 और 198, एपीआईडीए, फेज-2, रामानसथापेट, काकीनाड़ा, पूर्व गोदावरी जिला भा. प्र. 533 004	53 ग्रेड साधारण पोर्टलैंड सीमेंट	आईएस 12269 : 87
14.	6240454	2000/10	मै. भगीरथ केमिकल्स एंड इंडस्ट्रीज लि. चेल्कू कोम्मपलेम गांव, ये राजर्ला रोड, ओंगोल मंडल, प्रशासम जिला	क्लोराइरिफॉस पायसनीय सांद्र	आईएस 08944 : 78
15.	6240555	2000/10	मै. यशोभा इंडस्ट्रीज, 59 (न्यू नं. 8), उरा क्रॉस हट्टामेडू गांव, बमशंकरी, उरी स्टेशन, बंगलौर 560 085	सौर सपाट पट्टिका संग्राहक भाग 1 अपेक्षाए	आईएस 12933 : 92 भाग 01
16.	6240656	2000/10	मै. विजयलक्ष्मी इंसेक्टिसाइड्स एंड पेस्टीसाइड्स, हथाकोटा, रावूलपालेम मंडल 533 238	ब्यूटाक्लोर पायसनीय सांद्र	आईएस 09356 : 80
17.	6240757	2000/10	मै. जेवल्स गार्डन प्रा. लि., नं. 5, कॉर्टन कॉम्पलेक्स रेजिडेंसी रोड, बंगलौर 560 025	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी, शुद्धता एवं मुहरांकन	आईएस 01417 : 99
18.	6240858	2000/10	मै. आदित्या मिनरल ट्रेडर्स, कोंडापुरम (भारएस) गुड्डापा जिला 516 444	साक्षरमेथीन, ईसी	आईएस 12016 : 87
19.	6240959	2000/10	मै. केतकी सीमेंट (प्रा) लि., 8-67, उप्पेरगुड्डा, हायथानगर मंडल, कोहेडा पंचायत, हैदराबाद 501 505	53 ग्रेड साधारण पोर्टलैंड सीमेंट	आईएस 12269 : 87
20.	6241052	2000/10	मै. कर्नाटक एग्री केमिकल्स प्रा. लि. 43-सी होस्कोट इंडस्ट्रियल एरिया होस्कोट, बंगलौर 562 114	कॉपर सल्फेट	आईएस 00261 : 82
21.	6241153	2000/10	मै. ललिता ज्वेलरी मार्ट प्रा. लि. 123, उस्मान रोड, टी. नगर, चेन्नई 600 017	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभू- षण/शिल्पकारी शुद्धता एवं मुहरांकन	आईएस 01417 : 99

1	2	3	4	5	6
22.	6241254	2000/10	मै. मुनु पाइप्स प्रा. लि., एस. नं. 123/1, मुसुमारिबम्मन एगो मार्डन, बिलार (पोस्ट) घनजावूर 613 006	पेयजल आपूर्ति के लिए गैर- प्लास्टिक पीवीसी पाइप	आईएस 04985 : 88
23.	6241355	2000/10	मै. एस्सेन सप्लिमेंट्स इंडिया लि. प्लॉट नं. 39बी एंड 40बी, एरिच इंडस्ट्रियल एस्टेट बोल्लारम, मेडक जिला, आ. प्रदेश	जलसह कार्य हेतु यौगिक	आईएस 02645 : 75
24.	6241456	2000/10	मै. डी. एस. एम इंडस्ट्रीज लिचे, बी-8, इंडस्ट्रियल एस्टेट, अरियामंगलम तिरुचिरापल्ली 620 010	गहराई से पानी निकालने के हथ- बरमें	आईएस 09301 : 90
25.	6241557	2000/11	मै. साइटप्रूफ प्लास्टिक्स प्रा. लि., एसआर नं. 413/पार्ट 6, 7, चेट्टिपुनियम गांव, कट्टनकुलातूर ब्लॉक, चेंगलपत्तू तालुक, कांचीपुरम जिला 603 204	पेयजल आपूर्ति के लिए गैर- प्लास्टिक पीवीसी पाइप	आईएस 04985 : 88
26.	6241658	2000/11	मै. वनटैक केमीकल्स लि., 180/6 और 180/7 खाजीपल्ली जिन्नारम मंडल, मेडक जिला	कार्बोयूरॉन कणिकाओं सम्पुटित	आईएस 09360 : 80
27.	6241759	2000/11	मै. सत्य साई पॉलिमर्स] प्लॉट नं. 206/5, आईडीए, फेस 2, चेलपिल्ली, आर. आर. जिला 500051	पेयजल आपूर्ति के लिए गैर- प्लास्टिक पीवीसी पाइप	आईएस 04985 : 88
28.	6241860	2000/11	मै. रायम औरगेनिक्स एंड केमीकल्स लि., बुरगुला गांव, शादनगर मंडल 509 216	साइपरमेथ्रीन, ईसी	आईएस 12016 : 87
29.	6241961	2000/11	मै. भास्कर एगो केमीकल्स लि., 94/1 लूफानपेट गांव चौटुपल मंडल, नलगौडा जिला	कीटनाशक-फोरेट जी सम्पुटित	आईएस 09359 : 95
30.	6242054	2000/11	मै. यूनिवर्सल पेस्टो केम इंडस्ट्रीज (इं) लि., एस. नं. 12, गड्डापुथरम गांव, जिन्नारम मंडल, मेडक जिला	एसीफेट, एसपी	आईएस 12916 : 90
31.	6242155	2000/11	मै. विजया कृष्णा इंजी. वर्क्स, कोबलपेट, द्वारा श्री कृष्णारमन हरिजन इंडस्ट्रियल स्कूल, (सम्मुख-पट्टीपुरम पुलिस स्टेशन) गुंदूर आ. प्रदेश 522 006	जल, गैस, सीवर के लिए क्षैतिज ठले लोहे के बोहरे फ्लैजयुक्त पाइप	आईएस 07181 : 86

1	2	3	4	5	6
32.	6242256	2000/11	मै. रिलायंस इंडस्ट्रीज कारपोरेशन भाप स्टेरिलाइजर्स 51ए, बजर्न कॉयल स्ट्रीट, पट्टरवक्कम, चेन्नई 600 098	भाग 1 दाब वाले क्षैतिज बेलना- कार और क्षैतिज आयताकार भाप स्टेरिलाइजर्स	आईएस 03829 : 78 भाग 01
33.	6242357	2000/11	मै. एशियन लैम्प्स 37/1 गोडेलपलयी, सुब्रमण्यपुरम पोस्ट, बंगलौर 560 061	टंगस्टन तंतु के सामान्य सेवा, विजली के लैम्प	आईएस 00418 : 78
34.	6242458	2000/11	मै. पाविशम एक्सपोर्ट्स 278, क्रॉस कट रोड, गांधीपुरम कोयम्बतूर 641 012	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभू- षण शिल्पकारी शुद्धता एवं मुहरांकन	आईएस 01417 : 99
35.	6242559	2000/11	मै. के.पी. वारके एंड संस, कक्कनातू ज्वेलर्स (ज्वेलपार्क) मार्केट रोड, घोडूपुष्पा इदुक्की जिला	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभू- भूषण शिल्पकारी, शुद्धता एवं मुहरांकन	आईएस 01417 : 99
36.	6242660	2000/11	मै. कोटा ज्वेलर्स प्रा. लि., कोटा टॉवर्स 293, राजा स्ट्रीट, कोयम्बतूर 641 001	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभू- षण /शिल्पकारी शुद्धता एवं मुहरांकन	आईएस 01417 : 99
37.	6242761	2000/11	मै. जयलक्ष्मी फर्टिलाइजर्स, पी.बी. नं. 105, बेंकटराघपुरम, तानुकू 534 215	मलोरपाइरिफॉस पायसनीय सांद्र	आईएस 08944 : 78
38.	6242862	2000/11	मै. चेरान प्लास्ट, एस एफ 137, उयुकुल्ली रोड, विजयमंगलम, पेळनदुरई तालुक, ईरोड जिला 638056	पेयजल आपूर्ति के लिए गैर- प्लास्टिकृत पीवीसी पाइप	आईएस 04985 : 88
39.	6242963	2000/11	मै. प्रीमियर पीवीसी इंडस्ट्रीज, एसएफ 337/3 आर, सिनेमा थियेटर थोर्टम, त्रिचे रोड, पश्चिम पल्लडम, पल्लडम 641664	पेयजल आपूर्ति के लिए गैर- प्लास्टिकृत पीवीसी पाइप	आईएस 04985 : 88
40.	6243056	2000/11	मै. सिनेट स्टील्स लिमिटेड, प्लॉट नं. 17 और 18, "ई" ब्लॉक औटोनगर, विशाखापटनम 530012	पूर्व-प्रतिबलित कंक्रीट के लिए गद्देदार तार	आईएस 06003 : 83
41.	6243157	2000/11	मै. मास्टर वाल्व इंडस्ट्रीज, जीएनटी रोड, वुम्मलुरु, बापुलाबडू मंडल, (वावा) हनुमान जंक्शन, कृष्णा जिला 521 105	जल, गैस, सीवर के लिए क्षैतिज ठले लोहे के दोहरे फ्लैजयुक्त पाइप	आईएस 07181 : 86
42.	6243258	2000/11	मै. श्री ज्योति इंडस्ट्रीज, प्लॉट नं. 77, फेस 3, औटोनगर, विजयवाडा 520007	जल, गैस, सीवर के लिए क्षैतिज ठले लोहे के दोहरे फ्लैजयुक्त पाइप	आईएस 07181 : 86

(1)	(2)	(3)	(4)	(5)	(6)
43.	6243359	2000/11	मै. प्रतिमा एक्सट्रूजन प्रा. लि., बोन्यापल्ली गांव, विश्वराम मंडल मेडक जिला	अल्पवायु द्रवणीय गैसों के लिए 5- लिटर से अधिक जलक्षमता वाले वैल्यूड अल्पकार्बन इस्पात सिलिंडर भाग 1 एलपीजी सिलिंडर	आईएस 03196: 92 भाग 01
44.	6243460	2000/11	मै. वाहिनी इरिगेयन्स प्रा. लि., एसवाई नं. 495/1, ए. के. कवल कुनिगल रोड, गुलूर हुबली, तासुक व जिला तुमकर 572118	सिवाई उपस्कर-सिवाई लैटरलस	आईएस 12786: 89
45.	6243561	2000/11	मै. लिस्ती रबड़स प्रा. लि., कोटपडी पोस्ट, कोयमंगलम अनिकुलम	अमोनिया परिरक्षित प्राकृतिक रबड़ का सांद्र लेटेक्स	आईएस 05430: 81
46.	6243662	2000/11	मै. कनक महल जवेलर्स पत्तायम रोड, कालीकट 673001	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	आईएस 01471: 99
47.	6243763	2000/11	मै. चराग केमीकल इंड. के.-14, अम्बातूर इंडस्ट्रियल एस्टेट, चेन्नई 600058	कॉपर सल्फेट	आईएस 00261: 82
48.	6243864	2000/11	मै. साई सुधा पांसी पाइप्स प्लाट नं. ई-10, इंडस्ट्रियल एस्टेट, प्रोडवातूर कुड्डापा जिला, आं. प्रदेश	पानी की आपूर्ति के लिए उच्च घनत्व वाले पोलिएथिलीन पाइप	आईएस 04984: 95
49.	6243965	2000/11	मै. विजयलक्ष्मी इन्सेक्टिसाइड्स एंड पेस्टिसाइड्स, (डिवीजन : नागार्जुन फाइनैस लि.) 4-185, इथाकोटा रावुलपालेम पोस्ट, ई. जी. जिला	कॉपर आक्सीक्लोराइड का जल परिक्षेपणीय पूर्ण सांद्र	आईएस 01507: 77
50.	6244058	2000/11	मै. विजयलक्ष्मी इन्सेक्टिसाइड्स एंड पेस्टिसाइड्स, (डिवी : नागार्जुन फाइनैस लि.) डीएन नं. 1-42, इथाकोटा, रावुलपालेम पोस्ट, ई. जी. जिला	2, 4-डी इथाईल एस्टर पायसनीय- सांद्र	आईएस 10243: 93
51.	6244159	2000/11	मै. पी. आर. प्लास्टो प्रा. लि. भेड नं. 31, फेस 2, आईडीए, आर. आर. जिला आ. प्रदेश	पेयजल आपूर्ति के लिए गैर- प्लास्टिकृत पीबीसी पाइप	आईएस 04985: 88
52.	6244260	2000/11	मै. सिंधु इंडस्ट्रीज, एस नं. 3 ए-3, चुक्कालूर रोड, पीछे—इलेक्ट्रिकल सब-स्टेशन, गन्निवरिपल्ली पंचायत ताडुपल्ली, अमन्तापुर जिला 515411 (आ.प्र.)	43 ग्रेड साधारण पोर्टलैंड सीमेंट	आईएस 08112: 89

(1)	(2)	(3)	(4)	(5)	(6)
53.	6244361	2000/11	म. सागर सीमेंट्स लिमिटेड, बायपावरम गांव, कासिमकोट मंडल, विशाखापटनम जिला	53 ग्रेड साधारण पोर्टलैंड सीमेंट	आईएस 12289 : 87
54	6244462	2000/11	मै. प्रियदर्शिनी सीमेंट लिमिटेड, (यूनिट 2), बोधमवल्ली गांव, पीपुली मंडल, कुरुनूल जिला 518220	पोर्टलैंड पोर्जोलाना सीमेंट भाग 1 फाईएन आकारित	आईएस 01489 : 91 भाग 1
55.	6344563	2000/11	मै. मै. अलापट फेशन ज्वेलरी, मयूत टॉवर्स, एम. जी. रोड अर्नाकुलम, कोचीन—35	स्वर्ण एवं स्वर्ण मिश्रधातुएं, आभूषण/शिल्पकारी शुद्धता एवं मुहरांकन	आईएस 01417 : 99
56.	6244664	2000/11	मै. रवि फूड्स (प्रा) लि., 7-4-112/1, कट्टेडन मधुवन कालोनी रोड, हैदराबाद 500 077	सख्त चाशनी वाली चीनी की मिठाइयां	आईएस 01008 : 81
57.	6244765	2000/11	मै. ट्यूब प्रोडक्ट्स आफ इंडिया पोस्ट बेगन 4, अय्यि, चेन्नई 600054	संरचना उपयोग के लिए इस्पात के खोखले सेक्शन	आईएस 04923 : 85
58	6244866	2000/11	मै. यूनिवर्सल पेस्टो केम इंडस्ट्रीज, (इ) लि., एस नं. 12, गड्डापुथरम गांव, मंडल-जिन्नारम, मेडक जिला	साइपरमेथ्रिन, ईसी	आईएस 12016 : 87

[स. के प्र वि/13 : 11]

सतीश चन्द्र, अपर महानिदेशक

MINISTRY OF CONSUMER AFFAIRS FOOD, AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 13th February, 2001

S.O. 422.—In pursuance of sub-regulation (5) of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licence No.	Operative Date (Year/Month)	Name & Address (Factory) of the Party	Title of the Standard	IS No.	Part	Sec.	Year
1	2	3	4	5	6			7
1.	6239166	2000/10	M/s. Industries & Chemicals, Plot No. 49 & 81, SIDCO Industrial Estate, Ranipet—632 403.	Cypermethrin, EC.	12016			87

1	2	3	4	5	6	7
2. 6239267	2000/10	M/s. Industries & Chemicals, Plot No. 49 & 81, SIDCO Industrial Estate, Ranipet—632 403.	Fenvalerate, EC.	11997	87	
3. 6239368	2000/10	M/s. Anjani Portland Cement Limited, Chintalapalem Village, Mellacheruvu Mandal, Nalgonda District, A.P.—508 246.	53 grade Ordinary Portland cement.	12269	87	
4. 6239469	2000/10	M/s. Feroke Boards Ltd., VP 4/394, Feroke College (Via), Karad P O , Calicut, Kerala State—673 632.	Plywood for general purposes.	00303	89	
5. 6239570	2000/10	M/s. Asociated Latex (India) Private Ltd., 6/688, Fathima Estate, Pannimukku P O., Mysoremala, Mukkam, Calicut.	Ammonia preserved concentrated natural rubber latex.	05430	81	
6. 3239671	2000/10	M/s. Akshaya Ganga Invest- ments, Sy. No. 12/3, Bennayakanahalli, Shettikere Road, Bennayakanahalli Post, Tipur Taluk, Tipur, Karnataka State—572 201.	Unplasticised PVC pipes for potable water supplies.	04985	88	
7. 6239772	2000/10	M/s Tropical Agro System (India) Ltd., 530/2B, Vanagaram Road, Ambattur, Chennai—600 058.	Pesticide—triadimefon, WP.	13329	92	
8. 6239873	2000/10	M/s. Tropical Agro System (India) Ltd., 530/2B, Vanagaram Road, Ambattur, Chennai—600 058.	Metalaxyl mancozeb WP.	13692	93	
9. 6239974	2000/10	M/s. Jayalakshmi Fertilisers, Venkatarayapuram, Tanuku—534 215	Pesticide—phorate G, encap- sulated.	09359	95	
10. 6240050	2000/10	M/s. Jayalakshmi Fertilisers, Venkatarayapuram, Tanuku—534 215	Monocrotophos SL	08074	90	
11. 6240151	2000/10	M/s. Hyderabad Chemical Supplies Ltd., A-24/25, APIE, Balanagar, Hyderabad—500 037.	Power trowel—general require- ments.	13403	92	

1	2	3	4	5	6	7
12. 6240252	2000/10	M/s. Roys Industries Ltd., Plot No. 127 & 128, IDA, Medchal, A.P.	Hard boiled sugar confectionary	01008	81	
13. 6240353	2000/10	M/s. Sumukha Cements, Plot No. 193, 194, 197 & 198, APIDA, Phase-II, Ramanayyapet, Kakinada, East Godavari District, A.P.—533 004.	53 grade ordinary Portland cement.	12269	87	
14. 6240454	2000/10	M/s. Bhagiradha Chemicals & Industries Ltd., Cheruku Kommupalem Village, Yerajarla Road, Ongole Mandal, Prakasam District.	Chlorpyrifos emulsifiable con- centrates.	08944	78	
15. 6240555	2000/10	M/s. Yashoima Industries, 59 (New No. 8), 3rd Cross, Ittamadu Village Extn., Banashankari 3rd State, Bangalore—560 085.	Solar flat plate collector : Part 1 Requirements.	12933 01	92	
16. 6240656	2000/10	M/s. Vijayalakshmi Insecticides & Pesticides, Ethakota, Ravulapalem Mandal—533 238.	Butachlor emulsifiable concen- trates.	09356	80	
17. 6240757	2000/10	M/s. Jewels Garden Pvt. Ltd., No. 5, Cottons Complex, Residency Road, Bangalore—560 025.	Gold and gold alloys, jewellery/ artefacts—fineness and marking— —Specification.	01417	99	
18. 6260858	2000/10	M/s. Audithiya Mineral Traders, Kondapuram (RS), Guddapah District—516 444.	Cypermethrin, EC.	12016	87	
19. 6240959	2000/10	M/s. Kethaki Cement (P) Ltd., 8-67, Upperguda, Hayathanagar Mandal, Koheda Panchayath, Hyderabad—501 505.	53 grade ordinary portland cement.	12269	87	
20. 6241052	2000/10	M/s. Karnataka Agro Chemicals Pvt. Ltd., 43-C, Hoskote Industrial Area, Hoskote, Bangalore—562 114.	Copper sulphate.	002 61	82	
21. 6241153	2000/10	M/s. Lalitha Jewellery Mart Pvt. Ltd., 123, Usman Road, T. Nagar, Chennai—600 017.	Gold and gold alloys, jewellery/ artefacts—fineness and marking —Specification.	01417	99	

1	2	3	4	5	6	7
22.	6241254	2000/10	M/s. Muthu Pipes Pvt. Ltd., S. No. 123/1, Muthumariamman, Agro Garden, Vilar (P.O.), Thanjavur—613 006.	Unplasticised PVC pipes for potable water supplies.	04985	88
23.	6241355	2000/10	M/s. Essen Supplements India Ltd., Plot No. 39B and 40B, Anrich Industrial Estate, Bollarum, Medak District, A.P.	Integral cement waterproofing compounds.	02645	75
24.	6241456	2000/10	M/s. D.S.M. Industries Trichy, B-8, Industrial Estate, Ariyamangalam, Truchirapalli—620 010.	Deerwell-hard pumps.	09201	90
25.	6241557	2000/11	M/s. Lightroof Plastics Pvt. Ltd., Sr. No. 413/Part 6, 7, Chettypyniyam Village, Kattankulathur Block, Chengalpattu Taluk, Kancheepuram District—603 204.	Unplasticised PVC pipes for potable water supplies.	04985	88
26.	6241658	2000/11	M/s. Vantech Chemicals Ltd., 180/6 & 180/7, Khazipally, Jinnaram Mandal, Medak District.	Carboruran granules, encapsulated	09360	80
27.	6241759	2000/11	M/s. Satya Sai Polymers Plot No. 206/5, IDA, Phase II, Cherlapally, R.R. District 500 051.	Unplasticised PVC pipes for potable water supplies	04984	95
28.	6241860	2000/11	M/s. Rhyme Organics & Chemicals Ltd., Burgula Village, Shadnagar-Mandal 509 216	Cypermethrin, EC	12016	87
29.	6241961	2000/11	M/s. Bhaskar Agro Chemicals Ltd., 94/1, Toophranpet Village, Choutupal Mandal, Nalgonda District	Pesticide-phorate G, encapsulated	09359	95
30.	6242054	2000/11	M/s. Universal Pesto Chem Industries (I) Ltd., S.No. 12, Gaddapotharam Village, Jinnaram Mandal, Medak District.	Acephate SP	12916	90

1	2	3	4	5	6	7
31. 6242155	2000/11	M/s. Vijaya Krishna Engg. Works, Cobalpet, C/o Sri Krishnaramam Harijan Industrial School, (Opp: Pattabhipuram Police Stn., Guntur A.P. 522 006.	Horizontally cast iron double flanged pipes for water, gas and sewage	07181		86
32. 6242256	2000/11	M/s. Reliance Instruments Corporation, 51A, Bajanai Koil Street, Pattaravakkam, Chennai 600 098	Steam sterilizers: Part I Horizontal cylindrical and horizontal rectangular sterilizers, pressure type (for hospital and pharmaceutical use)	03829 01		78
33. 6242357	2000/11	M/s. Asian Lamps, 37/1, Gowdenpaya, Subramanyapuram P.O., Bangalore 560 061	Tungsten filament general service electric lamps	00418		78
34. 6242458	2000/11	M/s. Pavizham Exports, 278, Cross Cut Road, Gnadhipuram, Coimbatore 641 012.	Gold and gold alloys, jewellery/artefacts—fineness and marking— Specification	01417		99
35. 6242559	2000/11	M/s. K.P. Varkey & Sons, Kakkanattu, Jewellers (Jewelpark) Market Road, Thodupuzha, Idukki (Dist.)	Gold and gold alloys, jewellery artefacts—fineness and marking— Specification	01417		99
36. 6242660	2000/11	M/s. Kota Jewellers Pvt. Ltd., Kota Towers, 293, Raja Street, Coimbatore 641 001.	Gold and gold alloys, jewellery/ artefacts—fineness and marking - Specification	01417		99
37. 6242761	2000/11	M/s. Jayalakshmi Fertilisers P.B. No. 105, Venkatarayapuram, Tanuku. Ore 534 215	Chlorpyrifos emulsifiable concentrates	08944		78
38. 6242862	2000/11	M/s. Cheraan Plast, SF 137, Uthukuli Road, Vijayamangalam, Perundurai Taluk, Erode District 638 056	Unplasticised PVC pipes for potable water supplies	04985		88
39. 6242963	2000/11	M/s. Premier PVC Industry, SF 337/3R, Cinema Theatre Thottam, Trichy Road, West Palladam, Palladam 641 664	Unplasticised PVC pipes for potable water supplies	04985		88

1	2	3	4	5	6	
40. 6243056	2000/11	M/s. Signet Steels Limited, Plot No. 17 & 18, 'F' Block, Autonagar, Visakhapatnam 530 012	Indented wire for prestressed concrete	06003	83	
41. 6243157	2000/11	M/s. Master Valve Industries, GNT Road, Bommuluru, Bapuladadu Mandal, (Via) Hanuman Junction, Krishna District 521 105.	Horizontally cast iron double flanged pipes for water, gas and sewage	07181	86	
42. 6243258	2000/11	M/s. Sri Jyothi Industries, Plot No. 77, Phase III, Autonagar, Vijayawada 520 007.	Horizontally cast iron double flanged pipes for water, gas and sewage	07181	86	
43. 6243359	2000/11	M/s. Prathima Extrusion Pvt. Ltd., Bonthapally Village, Zinnaram Mandal, Medak District.	Welded low carbon steel cylinder exceeding 5 litre water capacity for low pressure liquefiable gases: Part I Cylinders for liquefied petroleum gas (LPG)	03196 01	92	
44. 6243460	2000/11	M/s. Vahini Irrigations Pvt.Ltd., SY No. 495/1, A.K. Kaval, Kunigal Road, Gulur Hobli, Tumkur Tq & Dist., 572118	Irrigation equipment-polyethylene pipes for irrigation laterals	12786	89	
45. 6243561	2000/11	M/s. Lissy Rubbers Pvt. Ltd., Kottapady P.O. Kothamangalam, Ernakulam	Ammonia preserved concentrated natural rubber latex	05430	81	
46. 6243662	2000/11	M/s. Kanaka Mahal Jewellers, Palayam Road, Calicut 673 001	Gold and gold alloys, jewellery/ artefacts-fineness and marking- Specification	01417	99	
47. 6243763	2000/11	M/s. Charag Chemicals Inds., K-14, Ambattur Industrial Estate, Chennai 600 058.	Copper sulphate	00261	82	
48. 6243864	2000/11	M/s. Saj Sudha Poly Pipes, Plot No. E-10, Industrial Estate, Proddatur, Cuddapah Dist. A.P. 516 362	High density polyethylene pipes for water supply	04984	95	
49. 6243965	2000/11	M/s. Vijayalakshmi Insecticides & Pesticides , (A division of Nagarjuna Finance Ltd.) 4-185, Ethakota, Ravulapalem P.O., E.G. District	Copper oxychloride water dispersible powder concentrates	01507	77	

1	2	3	4	5	6
50. 6244058	2000/11	M/s. Vijayalakshmi Insecticides & Pesticides, (A division of Nagarjuna Finance Ltd.) D.No. 1-42, Ethakota, Ravulapalem P.O., E.G. District.	2, 4-D Ethyl ester emulsifiable concentrates	10243	93
51. 6244159	2000/11	M/s. PR Plasto Pvt. Ltd., Shed No. 31, Phase II, IDA, Cherlapalli, R.R. District A.P.	Unplasticised PVC pipes for potable water supplies	04985	88
52. 6244260	2000/11	M/s. Sindhu Industries, S No. 3A-3, Chukkalur Road, Behind Electrical Sub-Station, Gannivaripalli Panchayath, Tadpatri Aranthapur Dist. A.P. 515 411.	43 grade ordinary Portland cement	08112	89
53. 6244361	2000/11	M/s. Sagar Cements Limited, Bayyavaram Village, Kasimkota Mandal, Visakhapatnam District.	53 grade ordinary Portland cement	12269	87
54. 6244462	2000/11	M/s. Priyadarshini Cement Limited (Unit II), Boinchampally Village, Peapully Mandal, Kurnool District A.P. 518 220	Portland pozzolana cement: Part I Flyash based	01489 01	91
55. 6244563	2000/11	M/s. Alapatt Fashion Jewellery, Muthoot Towers, M.G. Road, Ernakulam, Cochin 35	Gold and gold alloys, jewellery/ artefacts-fineness and marking- Specification	01417	99
56. 6244664	2000/11	M/s. Ravi Foods (P) Ltd. 7-4-112/1, Kattedan, Madhuban Colony Road, Hyderabad 500 077	Hard boiled sugar confectionary	01008	81
57. 6244765	2000/11	M/s. Tube Products of India Post Bag No 4, Avadi, Chennai 600 054	Hollow steel sections for structural use	04923	85
58. 6244866	2000/11	M/s. Universal Pesto Chem Industries (I) Ltd., S.No. 12, Gaddapotharam Village Jinnaram Mandal, Medak District	Cypermethrin, EC	12016	87

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 15 फरवरी, 2001

का. आ. 423.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम, की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स जैन संस, ए पी टाकीज के पीछे, जैन कालोनी, पिपलिया मंडी, मध्य प्रदेश-458664 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले स्वतः सूचक, अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार का) के मॉडल का, जिसके ब्रांड का नाम "जैनसंस" है (जिसे इसमें इसके पश्चात् "मॉडल" कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/94 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति देखें) 10 कि. ग्राम की अधिकतम क्षमता और 20 ग्राम की न्यूनतम क्षमता का तोलन उपकरण है। सत्यापन मापमान अन्तराल (ई) का मान 1 ग्राम है। इसमें एक आघेयतुलन युक्ति है जिसका शत प्रतिशत व्यलकलनात्मक धारित आघेयतुलन प्रभाव है। भार ग्राही आयताकार सेक्शन है जिसकी भुजाएं 630 × 400 मि. मी. है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 1,00,000 से कम या उसके बराबर है (एन ≤ 100,000) तथा जिसका "ई" मान 1×10के, 2×10के और 5×10के है जहां के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(104)/98]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

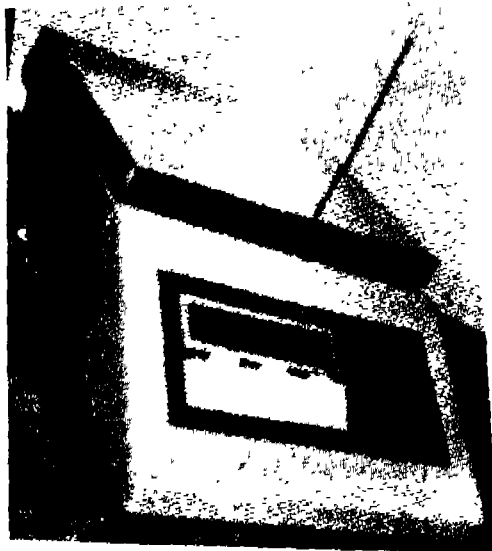
MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)**

New Delhi, the 15th February, 2001

S.O. 423.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic, (Table top type) weighing instrument with digital indication of High accuracy (Accuracy Class II) and with brand name "JAINSONS" (hereinafter referred to as the model) manufactured by M/s. Jain Sons, Behind A.P. Talkies, Jain colony, Piplia Mandi Madhya Pradesh-458664, and which is assigned the approval mark IND/09/2000/94;

The said model (figure given) is weighing instrument with a maximum capacity of 10kg and minimum capacity of 20g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



And further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of same series with maximum capacity upto 50kg with number of verification scale interval (n) less than or equal to 1,00,000 ($n \leq 1,00,000$) and with 'e' value 1×10^k , 2×10^k , 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. W.M.-21(104)/98]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 15 फरवरी, 2001

का. आ. 424.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम, की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स जैन संस, ए पी टाकीज के पीछे, जैन कालोनी, पिपलिया मंडी, मध्य प्रदेश-458664 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले स्वतः सूचक, अस्पष्टालित, तोलन उपकरण (प्लेट फॉर्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "जैनसंस" है (जिसे इसमें इसके पश्चात् "मॉडल" कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/95 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति देखें) 30 कि. ग्राम की अधिकतम क्षमता और 100 ग्राम की न्यूनतम क्षमता का तोलन उपकरण है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्युत्पल्लनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 10,000 से कम या उसके बराबर है (एन $\leq 10,000$) तथा जिसका "ई" मान 1×10 के, 2×10 के और 5×10 के हैं जहां के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21 (104)/98]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th February, 2001

S. O. 424.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating, non-automatic, (Platform type) weighing instrument with digital indication of medium accuracy (Accuracy Class III) and with brand name "JAINSONS" (hereinafter referred to as the model) manufactured by M/s. Jain Sons, Behind A.P. Talkies, Jain colony, Piplia Mandi Madhya Pradesh-458664, and which is assigned the approval mark IND/09/2000/95;

The said model (figure given) is weighing instrument with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



And further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of same series with maximum capacity upto 5 tonne with number of verification scale interval (n) less than or equal to 10,000 ($n \leq 10,000$) and with 'e' value 1×10^k , 2×10^k , 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. W.M.-21(104)/98]

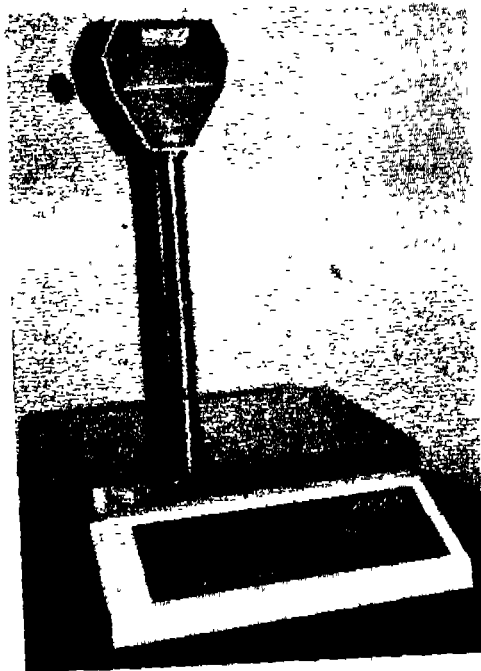
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 16 फरवरी, 2001

का. आ. 425.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स नागासाकी वेईंग टेक्नोलोजीस, 21, प्रथम तल, जे एस नगर, सरस्वतीपुरा, नन्दिनी ले आउट, बंगलौर-560096 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "एन डब्ल्यू टी डी टी-एस-6" शृंखला के अस्पृचालित, तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "नागासाकी" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/223 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति देखें) अस्पृचालित (टेबल टाप प्रकार का) तोलन उपकरण है इसकी अधिकतम क्षमता 5 किलोग्राम और न्यूनतम क्षमता 20 ग्राम है। सत्यापन मापमान (ई) का मान 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। भारग्राही आयताकार खंड का है, जिसकी भुजाएं 275 × 320 मि. मी. है। प्रकाश उत्पन्नक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 किलो ग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अंतराल (एन) की संख्या 100 मि. ग्रा. से 2 ग्राम "ई" मान के लिए 100 से 10,000 और सत्यापन मापमान अंतराल (एन) की संख्या 5 ग्राम या अधिक "ई" मान के लिए 500 से 10,000 है तथा जिनका "ई" मान 1×10के, 2×10के और 5×10के है जिसमें के बनावट या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(115)/2000]

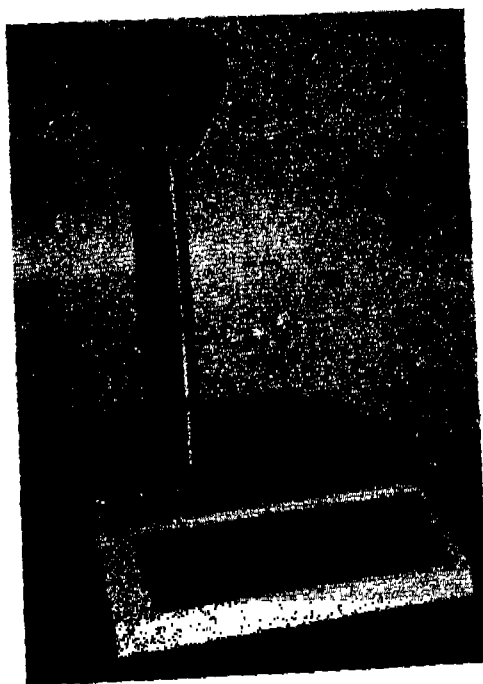
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th February, 2001

S. O. 425.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic, weighing instrument (Table top type) belonging to medium accuracy (Accuracy Class III) of "NWTDT-S 6" series with brand name "NAGASAKI" (hereinafter referred to as the Model) manufactured by M/s. Nagasaki Weighing Technologies, 21, 1st Floor, J. S. Nagar, Saraswathipura, Nandini Layout, Bangalore-560096 and which is assigned the approval mark IND/09/2000/223:

The said Model (the figure given) is non-automatic weighing instrument (Table top type). The maximum capacity is 5kg and minimum capacity 20g. The value of verification scale interval (e) is 1g. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of side 275×320mm. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range 100 to 10,000 for 'e' value 100 mg to 2g and with number of verification scale interval (n) in the range 500 to 10,000 for 'e' value of 5g or more with 'e' value of 1×10^k , 2×10^k , and 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. W.M.-21(115)/2000]

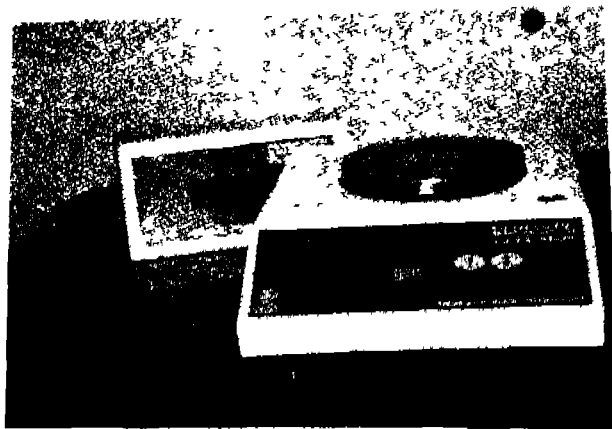
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 16 फरवरी, 2001

का. आ. 426.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा,

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स नागासाकी वेईंग टेक्नोलॉजीस, 21, प्रथम तल, जे एस नगर, सरस्वतीपुरा, नन्दिनी से आउट, बंगलौर-560096 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले "एन डब्ल्यू टी डी टी-जे एल" श्रृंखला के अस्वचालित, तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "नागासाकी" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/224 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति देखें) अस्वचालित (टेबल टाप प्रकार का) तोलन उपकरण है इसकी अधिकतम क्षमता 200 ग्राम और न्यूनतम क्षमता 200 मि. ग्राम है। सत्यापन मापमान (ई) का मान 10 मि. ग्राम है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येतुलन प्रभाव है। भारग्राही आयताकार खंड का है, जिसकी भुजा 110 मि मी है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 किलो ग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अंतराल (एन) की संख्या 1 मि. ग्रा से 50 मि. ग्राम "ई" मान के लिए 100 से 1,00,000 और सत्यापन मापमान अंतराल (एन) की संख्या 100 मि. ग्राम या अधिक "ई" मान के लिए 5000 से 100,000 है तथा जिनका "ई" मान 1×10^6 , 2×10^6 के और 5×10^6 के हैं जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा० सं० डब्ल्यू० एम०-21(115)/2000]

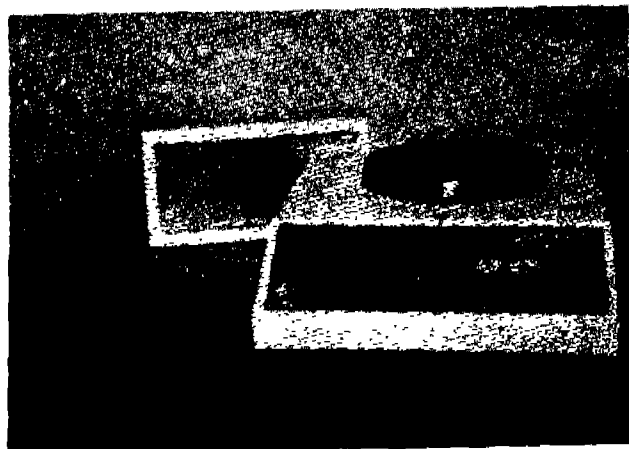
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th February, 2001

S. O. 426.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic, weighing instrument (Table top type) belonging to High accuracy (Accuracy Class II) of "NWTDJ-JL" series with brand name "NAGASAKI" (hereinafter referred to as the Model) manufactured by M/s. Nagasaki Weighing Technologies, 21, 1st Flor, J. S. Nagar, Saraswathipura, Nandini Layout, Bangalore-560096 and which is assigned the approval mark IND/09/2000/224;

The said Model (the figure given) is non-automatic weighing instrument (Table top type). The maximum capacity is 200 g. and minimum capacity 200 mg. The value of verification scale interval (e) is 10 mg. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of square section of side 110mm. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range 1000 to 10,000 for 'e' value 1 mg to 50 mg and with number of verification scale interval (n) in the range 5000 to 100,000 for 'e' value of 100mg or more with 'e' value of 1×10^k , and 2×10^k , 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F No. W.M.-21(115)/2000]

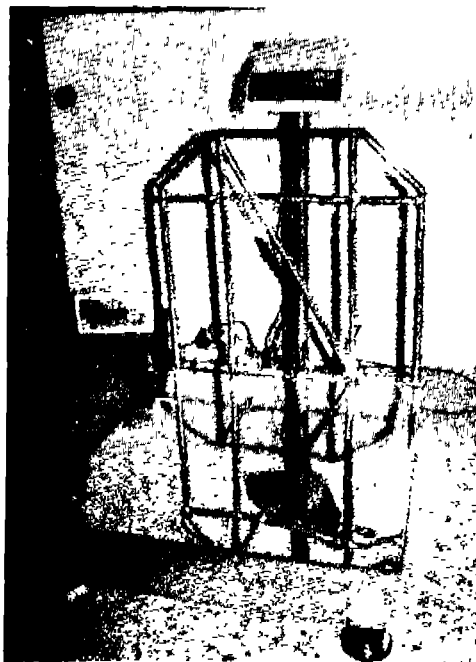
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 16 फरवरी, 2001

का. आ. 427.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स नागासाकी वेईंग टेक्नोलोजीस, 21, प्रथम तल, जे एस नगर, सरस्वतीपुरा, नन्दिनी ले आउट, बंगलौर-560096 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले “एन डब्ल्यू टी डी टी-पी एफ” शृंखला के अस्वचालित, तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “नागासाकी” है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/225 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह मॉडल (आकृति देखें) अस्वचालित (प्लेटफार्म प्रकार का) तोलन उपकरण है इसकी अधिकतम क्षमता 60 किलोग्राम और न्यूनतम क्षमता 200 ग्राम है । सत्यापन मापमान (ई) का मान 10 ग्राम है । इसमें एक आद्येयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येयतुलन प्रभाव है । भारग्राही आयताकार खंड का है, जिसकी भुजाएं 400 × 500 मि. मी. है । प्रकाश उत्पन्नक डायोड (एन ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी मिद्गांत, डिजाइन और उसी सामग्री से किया जाता है जिसमें अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान के अन्तराल (एन) की संख्या 100 मि. या. से 2 ग्राम “ई” मान के लिए 100 से 10,000 और सत्यापन मापमान अंतराल (एन) की संख्या 5 ग्राम या उससे अधिक “ई” मान के लिए 500 से 10,000 है । सत्यापन मापमान अंतराल (एन) की संख्या 10,000 से कम या उसके बराबर है ($\text{एन} \leq 10,000$) तथा जिनका “ई” मान 1×10^3 , 2×10^3 के और 5×10^3 के है जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है ।

[फा० सं० डब्ल्यू० एम० -21(115)/2000]

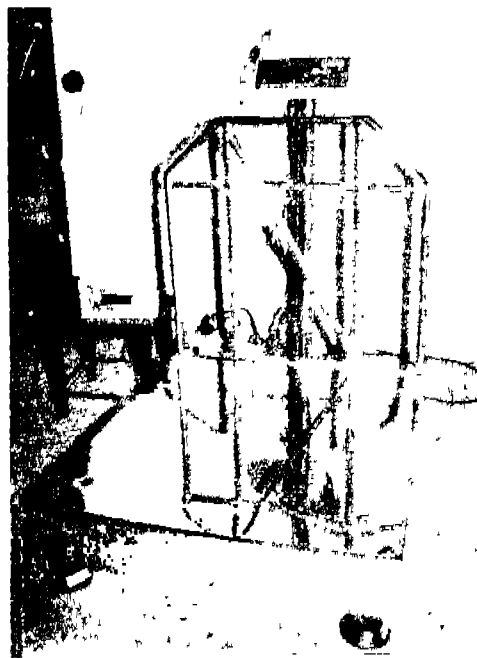
पी० ए० कृष्णमूर्ति, निदेशक विधिक माप विज्ञान

New Delhi, the 16th February, 2001

S. O. 427.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) belonging to medium accuracy (Accuracy Class III) of "NWTDT-PF" series with brand name "NAGASAKI" (herein referred to as the Model) manufactured by M/s Nagasaki Weighing Technologies, 21, 1st Floor, J S Nagar, Saraswathipura, Nandini Layout, Bangalore-560096 and which is assigned the approval mark IND/09/2000/225.

The said Model (the figure given) is non-automatic weighing instrument (Platform type). The maximum capacity is 60kg. and minimum capacity 200 g. The value of verification scale interval (e) is 10g. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of side 400 x 500mm. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 volts and 50-Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make accuracy and performance of same series with maximum capacity upto 5 tonne and with number of verification scale interval (n) in the range 100 to 10,000 for 'e' value 100 mg to 2g and with number of verification scale interval (n) in the range 500 to 10,000 for 'e' value of 5g or more with number of verification scale division (n) less than or equal to 10,000 ($n \leq 10,000$) and with 'e' value of 1×10^k , 2×10^k , 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured

[F. No. WM -21(115)/2000]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 16 फरवरी, 2001

का. आ. 428.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैमर्स नागासाकी वेईंग टेक्नोलॉजीस, 21, प्रथम तल, जे एस नगर, सरस्वतीपुरा, नन्दिनी ले-आउट, बंगलौर-560096 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले "एन डब्ल्यू टी जी.एल.-पी एफ" शृंखला के अस्वचालित, तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "नागासाकी" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/226 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह मॉडल (आकृति देखें) अस्वचालित (प्लेटफार्म प्रकार का) तोलन उपकरण है इसकी अधिकतम क्षमता 120 किलोग्राम और न्यूनतम क्षमता 500 ग्राम है। सत्यापन मापमान (ई) का मान 10 ग्राम है। इसमें एक आघेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आघेयतुलन प्रभाव है। भारग्राही आयताकार खंड का है, जिसकी भुजाएं 500 × 600 मि. मी. हैं। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मॉडल, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे, जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान के अंतराल (एन) की संख्या 1 मि. ग्रा. से 50 मि. ग्राम "ई" मान के लिए 100 से 100,000 के बीच और सत्यापन मापमान अंतराल (एन) की संख्या 100 मि. ग्राम या उससे अधिक "ई" मान के लिए 5000 से 100,000 के बीच तथा जिनके सत्यापन मापमान अंतराल (एन) की संख्या 100,000 से कम या उसके बराबर है (एन \leq 100,000) तथा जिनका "ई" मान 1×10^3 , 2×10^3 और 5×10^3 है जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(115)/2000]

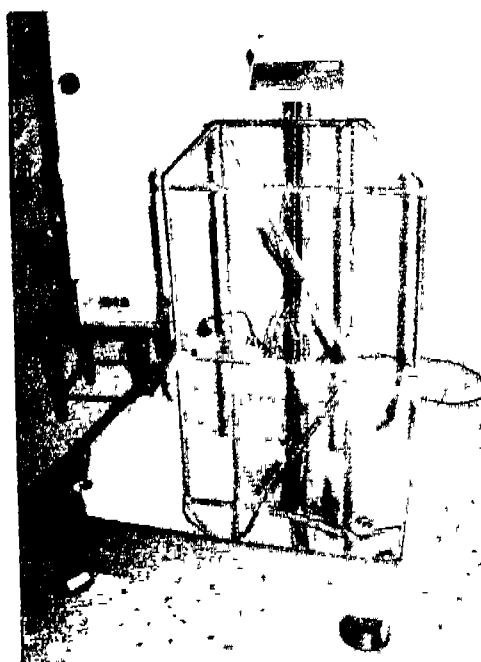
पी० ए० कृष्णभूति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th February, 2001

S. O. 428.—Whereas the Central Government after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) belonging to High accuracy (Accuracy Class II) of 'NWTGL-PF' series with brand name "NAGASAKI" (herein referred to as the Model) manufactured by M/s Nagasaki Weighing Technologies 21, 1st Floor, J. S. Nagar, Saraswathipura, Nandini Layout, Bangalore-560096 and which is assigned the approval mark IND/09/2000/226

The said Model (the figure given) is non-automatic weighing instrument (Platform type) The maximum capacity is 120 kg and minimum capacity 500 g The value of verification scale interval (e) is 10 g It has a tare device with a 100 percent subtractive retained tare effect The load receptor is of rectangular section of side 500 × 600 mm The Light Emitting Diode (LED) display indicates the weighing result The instrument operates on 230 volts and 50-Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 5 tonne and with number of verification scale interval (n) in the range 100 to 100,000 for 'e' value 1mg to 50 mg and with number of verification scale interval (n) in the range 5000 to 100,000 for 'e' value of 100 mg or more with number of verification scale division (n) less than or equal to 100,000 ($n \leq 100,000$) and with 'e' value of 1×10^k , 2×10^k , 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved model have been manufactured

[F No W M -21(115)/2000]

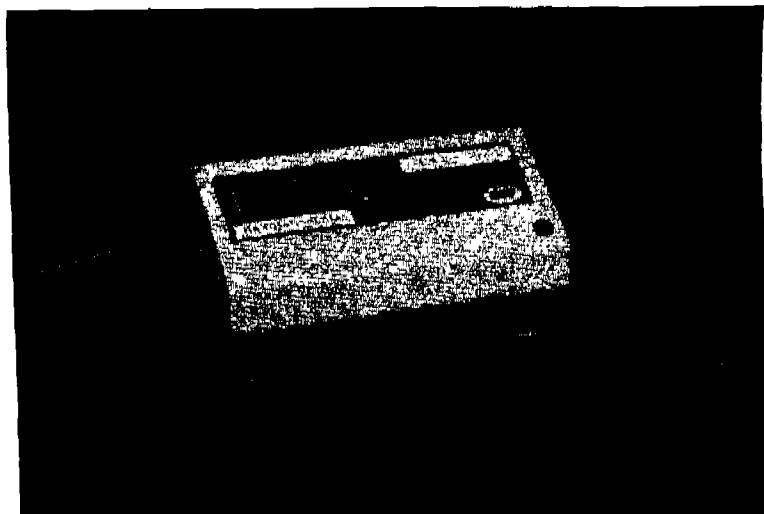
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 22 फरवरी, 2001

का. आ. 429.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मध्यम यथार्थता की (वर्ग III) वाली "ए डब्ल्यू एच.एस." शृंखला की अंकक सूचन सहित अस्वचालित तोलन उपकरण (हेनिंग प्रकार का) के मॉडल का, जिसके ब्रांड का नाम "एल सी एस" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसका विनिर्माण मैसर्स एल सी एस कण्ट्रोल्स प्रा. लि. 12 ईस्ट रोड, वेस्ट, सी.आई.टी. नगर, चेन्नई-600035 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/00/45 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) का तोलन उपकरण है, जिसकी अधिकतम क्षमता 100 किलोग्राम और न्यूनतम क्षमता 2 किलो ग्राम है। सत्यापन मापमान अन्तराल (ई) 100 ग्राम है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी मेक, यथार्थता और कार्यकरण वर्ग वाले ऐसे तोलन उपकरण भी होंगे, जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिसकी अधिकतम क्षमता 100 कि.ग्रा. तक है और जिसके सत्यापन मापमान के अन्तराल (एन) की अधिकतम संख्या 10,000 (एन \leq 10,000) से कम या उसके बराबर तक है तथा जिनका "ई" मान 1×10 के, 2×10 के और 5×10 के है, के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(60)/99]

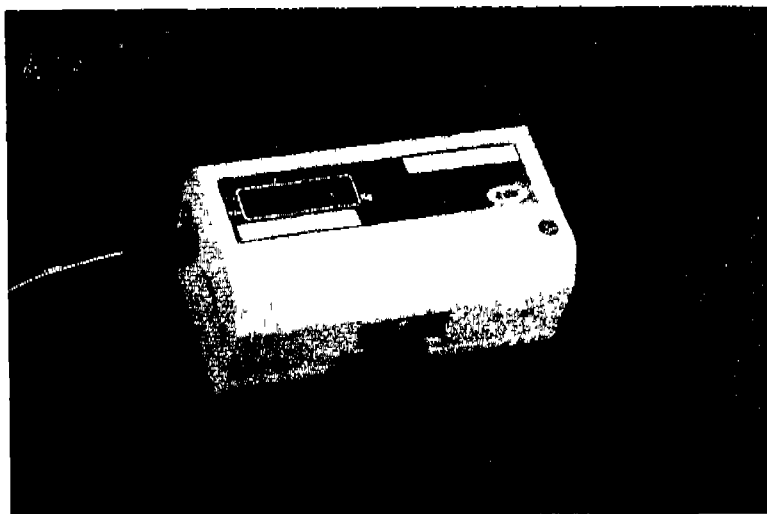
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd February, 2001

S. O. 429.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic, weighing instruments (Hanging Type) with digital display of Medium accuracy class (class III) of "AWHS" series and with brand name "LCS" (hereinafter referred to as the Model), manufactured by M/s. LCS Controls Private Limited, 12 East Road, West CIT Nagar, Chennai-600035 and which is assigned the approval mark IND/09/00/45,

The said Model is a medium accuracy class (accuracy class III) weighing instrument with a maximum capacity of 100 kg and minimum capacity of 2 kg. The verification scale interval (e) is 100 g.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity upto 100kg, with maximum number of verification scale interval (n) less than or equal to 10 000 ($n \leq 10,000$) and with 'e' value to 1×10^k , 2×10^k , 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F No W M -21(60)/99]

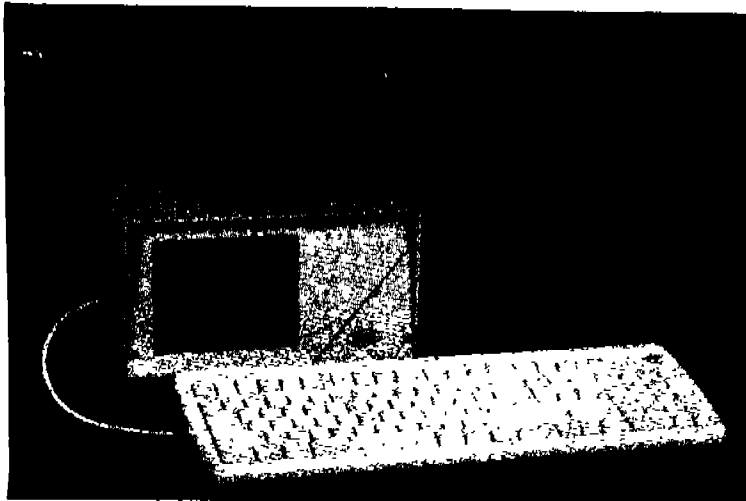
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 22 फरवरी, 2001

का. आ. 430.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मध्यम यथार्थता (यथार्थता वर्ग III) वाली "ए डब्ल्यू ई डब्ल्यू" शृंखला की अंकक सूचन सहित अस्वचालित तोलन उपकरण (बहु भार सेल तुला चौकी) के मॉडल का, जिसके ब्रांड का नाम "एल सी एस" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसका विनिर्माण मैमर्स एल सी एस कण्ट्रोल्स प्रा. लि. 12 ईस्ट रोड, वेस्ट, सी.आई.टी. नगर, चेन्नई-600035 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/00/46 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) का अंकक सूचन सहित अस्वचालित (तुला वाली) तोलन उपकरण है, जिसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 200 कि. ग्राम है। मत्पापन मापमान अन्तराल (ई) मान 10 कि. ग्राम है। प्रकाश उत्सर्जक डायोड (प्र.उ.ज.) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्टज आवृत्ति की प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी मेक और यथार्थता वर्ग वाले ऐसे तोलन उपकरण भी होंगे, जिनका विनिर्माण उसी विनिर्माता द्वारा उसी डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिसकी अधिकतम क्षमता 5 टन से अधिक है और जिसके मत्पापन मापमान के अन्तराल (एन) की अधिकतम संख्या 10,000 से कम या उसके बराबर तक है। (एन \leq 10,000) तथा जिनका "ई" मान 1×10 के, 2×10 के और 5×10 के हैं जहां के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(60)/99]

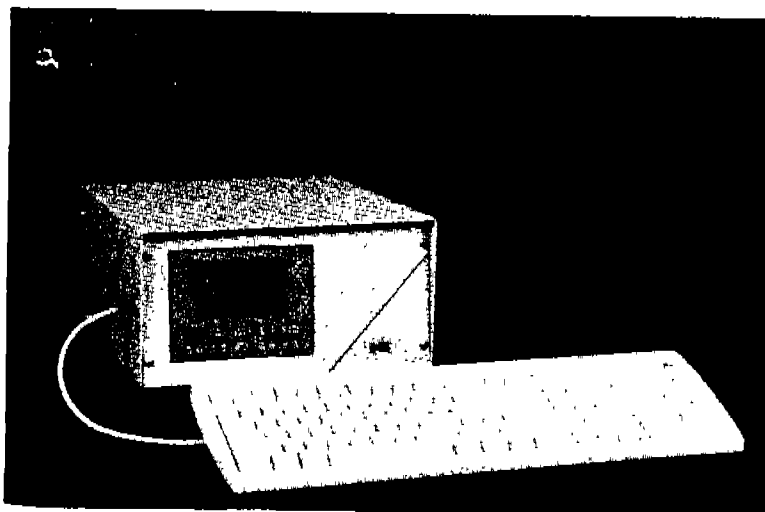
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd February, 2001

S. O. 430.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (give in the figure) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic, weighing instruments (Multi-load cell weighbridge) with digital indication (hereinafter referred to as the model), of "AWEW" series with brand name "LCS" belonging to medium accuracy class (Accuracy class III) manufactured by M/s. LCS Controls Private Limited, 12 East Road, West CIT Nagar, Chennai-600035 and which is assigned the approval mark IND/09/00/46;

The Model is a non-automatic weighing instrument (weighbridge) with digital indication of maximum capacity 40 tonne and minimum capacity of 200 kg and belonging to medium accuracy class (accuracy class III). The value of verification scale interval (e) is 10kg. The display unit is of Light Emitting Diode (LED) type. The instrument operates on 220 V, 50 Hertz alternate current power supply;



And Further, in exercise of the powers conferred by sub-section (12) of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover section 36 of weighing instruments of same make, and accuracy class with maximum capacity above 5 tonnes and with maximum number of scale interval (n) upto 10,000 ($n \leq 10,000$) and with 'e' value of 1×10^k , 2×10^k , 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same design and with the same materials with which, the approved model has been manufactured.

[F. No. W.M.-21(60)/99]

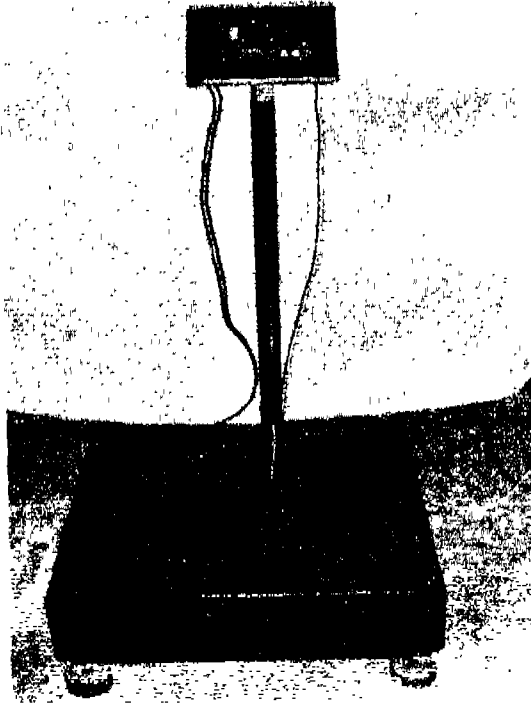
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 22 फरवरी, 2001

का. आ. 431.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स नोबुल इलेक्ट्रॉनिक्स, कुटसअम्बली, छी कान्ता रोड, अहमदाबाद-380001 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "एन पी" श्रृंखला के अंकीय सूचन सहित, अस्वचालित, तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "नोबुल" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/206 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल मध्य यथार्थता वर्ग (यथार्थता वर्ग III) का अंकीय सूचन सहित अस्वचालित प्लेटफार्म प्रकार का तोलन उपकरण है जिसकी अधिकतम क्षमता 100 किलोग्राम और न्यूनतम क्षमता 200 ग्राम है। सत्यापन मापमान (ई) मान 10 ग्राम है। प्रदर्श इकाई प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रकार की है। उपकरण 230 वोल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उम्मी सिद्दांत, डिजाइन और उसी मापग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान के अन्तराल (एन) का "ई" मान 100 मिलीग्राम से 2 ग्राम के लिए "ई" मान 100 से 10,000 की रेंज में और सत्यापन मापमान अंतराल (एन) "ई" मान 5 ग्राम या अधिक के लिए 5000 की रेंज में है सहित जिनका "ई" मान 1×10के, 2×10के और 5×10के है जिसमें के बनावट या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(१)/११]

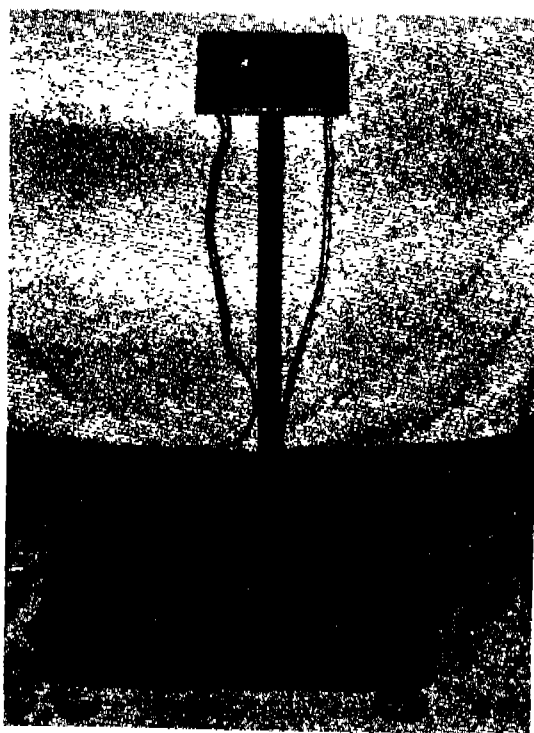
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd February, 2001

S. O. 431.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see figure) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic, weighing instruments (Platform type) with digital indication (hereinafter referred to as the model), of "NP" series belonging to medium accuracy class (Accuracy class III) and with brand name "NOBLE", manufactured by M/s. Noble Electronics, But's Ambli, Ghee Kanta Road, Ahmedabad-380001 and which is assigned the approval mark IND/09/00/206;

The Model is a non-automatic weighing instrument of platform type with digital indication of maximum capacity 100kg, minimum capacity 200g and belonging to medium accuracy class (accuracy class III). The value of verification scale interval (e) is 10g. The display unit is of Light Emitting Diode (LED) type. The instrument operates on 230 V, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Acts the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 5 tonne and with number of verification scale interval (n) in the range 100 to 10000 for 'e' value of 100 mg to 2g and with number of scale interval (n) in the range 500 to 10000 for 'e' value of 5 g or more with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials which the approved model have been manufactured.

[F. No. WM -21(9)/99]

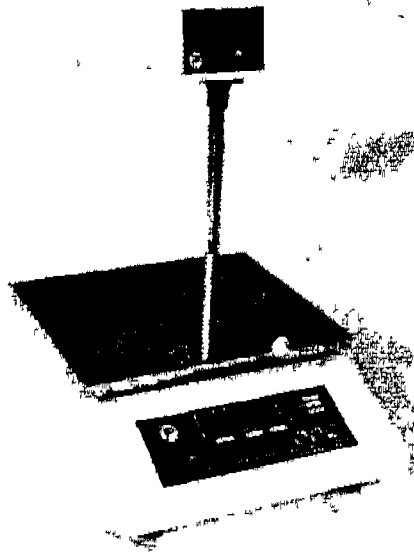
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 22 फरवरी, 2001

का. आ. 432.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स पूर्णिमा स्केल, दुकान नं. 3, रीता नगर, प्रकाश एस्टेट के समीप, वस्त्राल मार्ग, अमराईवाडी, अहमदाबाद-380023 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले "पी एक्स" श्रृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "पूर्णमा" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/00/227 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति देखें) उच्च यथार्थता वर्ग (यथार्थता वर्ग II) का अस्वचालित अंकक सूचन सहित टेबल टाप प्रकार का तोलन उपकरण है इसकी अधिकतम क्षमता 11 किलोग्राम और न्यूनतम क्षमता 50 ग्राम है। सत्यापन मापमान (ई) का मान 1 ग्राम है। प्रकाश इकाई प्रकाश उत्सर्जक डायोड की है। उपकरण 230 वोल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 किलो ग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान के अन्तराल (एन) की संख्या 1 मिलीग्राम से 50 मि. ग्राम "ई" मान के लिए 100 से 100,000 और सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि. ग्राम या अधिक "ई" मान के लिए 5000 से 100,000 है तथा जिनका "ई" मान 1×10 के, 2×10 के और 5×10 के हैं जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा० सं० डब्ल्यू० एम०-21(130)/99]

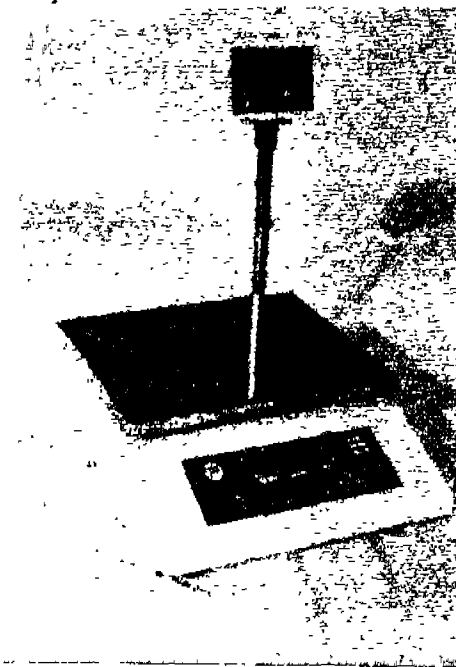
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd February, 2001

S. O. 432.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instruments (Table top type) with digital indication of "PX" series belonging to High accuracy class (Accuracy class II) and with brand name "PURNIMA" (hereinafter referred to as the model), manufactured by M/s. Purnima Scale, Shop No -3, Rita Nagar, Near Prakash Estate, Vastral Road Amraiwadi, Ahmedabad-380023 and which is assigned the approval mark IND/09/00/227.

The Model is a non-automatic weighing instrument of table top type with digital indication of maximum capacity 11kg, minimum capacity 50 g and belonging to High accuracy class (accuracy class II) The value of verification scale interval (e) is 1g. The display unit is of Light Emitting Diode. The instrument operates on 230 V, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg. and with number of verification scale interval (n) in the range 100 to 100,000 for "e" value of 1mg to 50mg and with number of verification scale interval (n) in the range 5000 to 100,000 for "e" value of 100mg or more with "e" value of 1×10^k , 2×10^k , 5×10^k , k being a positive or negative whole number or zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved model has been manufactured

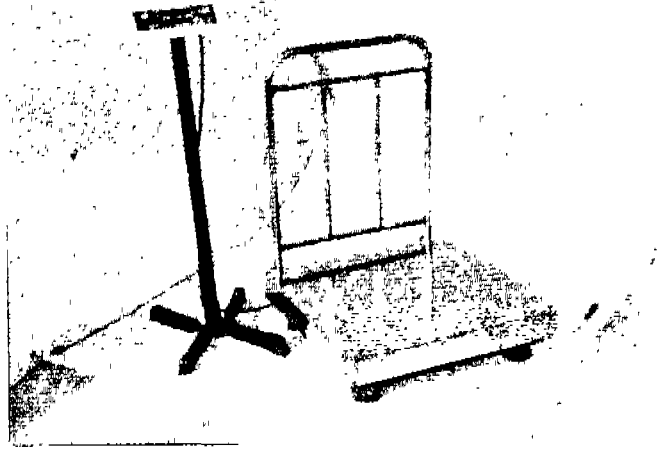
[F. No. W.M.-21(130)/99]

P A KRISHNAMOORTHY, Director, Legal Metrology

का. आ. 433.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स पूर्णिमा स्केल, दुकान नं. 3, रीता नगर, प्रकाश एस्टेट के समीप, बस्त्राल मार्ग, अमराईवाडी, अहमदाबाद-380023 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "पी वाई" श्रृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "पूर्णमा" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/00/228 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह मॉडल (आकृति देखें) मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) का अस्वचालित अंकक सूचन सहित प्लेटफार्म प्रकार का तोलन उपकरण है इसकी अधिकतम क्षमता 50 किलोग्राम और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान (ई) का मान 5 ग्राम है। प्रकाश इकाई प्रकाश उत्सर्जक डायोड की है। उपकरण 230 वोल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;



और, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान के अन्तराल (एन) की संख्या 100 मिलीग्राम से 2 ग्राम "ई" मान के लिए 100 से 10,000 और सत्यापन मापमान अंतराल (एन) की संख्या 5 ग्राम या अधिक "ई" मान के लिए 500 से 10,000 है तथा जिनका "ई" मान 1×10 के, 2×10 के और 5×10 के है जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(130)/99]

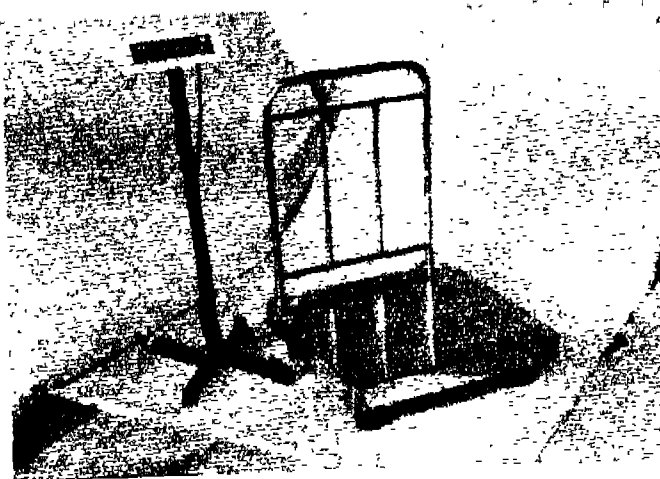
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd February, 2001

S. O. 433.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic, weighing instruments (Platform type) with digital indication of "PY" series belonging to medium accuracy class (Accuracy class III) and with brand name "PURNIMA" (hereinafter referred to as the model), manufactured by M/s. Purnima Scale, Shop No.-3, Rita Nagar, Near Prakash Estate, Vastral Road, Amralwadi, Ahmedabad-380023 and which is assigned the approval mark IND/09/00/228;

The Model is a non-automatic weighing instrument of platform type with digital indication of maximum capacity 50kg, minimum capacity 100 g and belonging to medium accuracy class (accuracy class III). The value of verification scale interval (e) is 5g. The display unit is of Light Emitting Diode. The instrument operates on 230 V, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 5 tonne and with number of verification scale interval (n) in the range 100 to 10,000 for 'e' value of 100mg to 2g and with number of verification scale interval (n) in the range 500 to 10,000 for 'e' value of 5g or more with "e" value of 1×10^k , 2×10^k , and 5×10^k , k being a positive or negative whole number or zero, manufactured by the same manufacturer in accordance with the same principal design and with the same materials with which the approved model have been manufactured.

[F. No. W.M.-21(130)/99]

P A. KRISHNAMOORTHY, Director, Legal Metrology

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 2 मार्च, 2001

का. आ. 434.— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि केरल राज्य में भारत पेट्रोलियम कारपोरेशन लिमिटेड, इरपानम, कोचीन, संस्थापन से तमिलनाडु राज्य के करूर तक उच्चकोटि तेल, हाईस्पीड डीजल और मोटर स्प्रिट के परिवहन के लिए पेट्रोनेट सी.सी.के. लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए;

और ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए, इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः अब, केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग का अधिकार अर्जित करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति उस तारीख से, जिसको भारत के राजपत्र में यथा प्रकाशित अधिसूचना की प्रतियाँ आम जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार के अर्जन के संबंध में लिखित रूप में आक्षेप श्री के. वाडीवेल, सक्षम प्राधिकारी, (तमिलनाडु), कोचीन-कोयम्बटूर-करूर पाइपलाइन परियोजना, प्रथम मंजिल, "कोवाई टावर्स", नं० 44 बालासुन्दरम रोड, कोयम्बटूर - 641018 को कर सकेगा।

अनुसूची

तालुका— पालाचेम

जिला— कोयम्बटूर

राज्य—तमिलनाडु

गाँव का नाम	सर्वेक्षण संख्या	क्षेत्र		
		हेक्टेयर	आरे	वर्ग मी०
1	2	3	4	5
इरगुर	580/2बी1	0	09	97
	580/2बी3	0	09	55
	580/2बी4	0	06	97
	580/1 सी2	0	03	91
	579/1	0	12	82

[सं. आर-31015/3/2001-ओ आर-II]

हरीश कुमार, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS.

New Delhi, the 2nd March, 2001

S. O. 434.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of motor spirit, superior kerosene oil and high speed diesel from Irimpanam Installation of Bharat Petroleum Corporation Limited, Irimpanam, Cochin in the State of Kerala to Karur in the State of Tamil Nadu, a pipeline should be laid by Petronet CCK Limited;

AND, WHEREAS for the purpose of laying such pipeline it is necessary to acquire the right of user in the lands described in the Schedule annexed to this notification;

NOW, therefore, in the exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

ANY person interested in land described in the said Schedule may, within twenty one days from the date on which the copies of the notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein for laying the pipeline under the land to Shri. K. Vadivel, Competent Authority (Tamil Nadu), Cochin-Coimbatore-Karur Pipeline Project, 1st Floor, "Kovai Towers", No: 44 Balasundaram Road, Coimbatore - 641 018.

SCHEDULE**Taluk : Palladam****District : Coimbatore****State : Tamil Nadu**

Name of the village	S.F. No.	Area		
		Hectares	Ares	Sq. Mts.
1	2	3	4	5
Irugur	580 / 2B1	0	09	97
	580 / 2B3	0	09	55
	580 / 2B4	0	06	97
	580 / 1C2	0	03	91
	579 / 1	0	12	82

[No.-31015/3/2001 OR-III]
HARISH KUMAR, Under Secy.

नई दिल्ली, 2 मार्च, 2001

का. आ. 435— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि केरल राज्य में भारत पेट्रोलियम कारपोरेशन लिमिटेड, इरपानम, कोचीन, संस्थापन से तमिलनाडु राज्य के करूर तक उच्चकोटि तेल, हाईस्पीड डीजल और मोटर स्प्रिट के परिवहन के लिए पेट्रोनेट सी.सी.के. लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए;

और ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए, इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः अब, केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग का अधिकार अर्जित करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति उस तारीख से, जिसको भारत के राजपत्र में यथा प्रकाशित अधिसूचना की प्रतियाँ आम जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार के अर्जन के संबंध में लिखित रूप में आक्षेप श्री के. वाडीवेल, सक्षम प्राधिकारी, (तमिलनाडु), कोचीन - कोयम्बटूर-करूर पाइपलाइन परियोजना, प्रथम मंजिल, "कोवाई टावर्स", नं० 44 बालासुन्दरम रोड, कोयम्बटूर - 641018 को कर सकेगा।

अनुसूची

०१४

तालुका-कोयम्बटूर (दक्षिण)

जिला- कोयम्बटूर

राज्य -तमिलनाडु

गाँव का नाम	सर्वेक्षण संख्या	क्षेत्र		
		हेक्टेयर	आरे	वर्ग मी.
1	2	3	4	5
मधुकराई	547 / 3	0	00	12
	548 / 3	0	00	78
	559 / 3सी	0	00	24
	559 / 3बी	0	00	08
सैरापालायाम	499 / 3	0	02	81
	555 / 3	0	01	98

तालुका- पालाङ्ग

जिला- कोयम्बटूर

राज्य -तमिलनाडु

गाँव का नाम	सर्वेक्षण संख्या	क्षेत्र		
		हेक्टेयर	आरे	वर्ग मी0
1	2	3	4	5
ओडर पालायाम	14 / 2C	0	01	18
	22 / 2	0	01	07
इरगुर	442 / 2	0	03	11

[सं. आर.-31015/3/2001-ओ आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 2nd March, 2001

s. O. 435.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of motor spirit, superior kerosene oil and high speed diesel from Irimpanam Installation of Bharat Petroleum Corporation Limited, Irimpanam, Cochin in the State of Kerala to Karur in the State of Tamil Nadu, a pipeline should be laid by Petronet CCK Limited;

AND, WHEREAS for the purpose of laying such pipeline it is necessary to acquire the right of user in the lands described in the Schedule annexed to this notification;

NOW, therefore, in the exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

ANY person interested in land described in the said Schedule may, within twenty one days from the date on which the copies of the notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein for laying the pipeline under the land to Shri. K. Vadivel, Competent Authority (Tamil Nadu), Cochin-Coimbatore-Karur Pipeline Project, 1st Floor, "Kovai Towers", No: 44 Balasundaram Road, Coimbatore - 641 018.

Schedule

Taluk: Coimbatore (South)District : CoimbatoreState : Tamil Nadu.

Name of the village	Survey No.	Area		
		Hectares	Ares	Sq. Mts.
1	2	3	4	5
Madukkarai	547 / 3	0	00	12
	548 / 3	0	00	78
	559 / 3C	0	00	24
	559 / 3B	0	00	08
Seerapalayam	499 / 3	0	02	81
	555 / 3	0	01	98

Taluk: PalladamDistrict : CoimbatoreState : Tamil Nadu.

Name of the village	Survey No.	Area		
		Hectares	Ares	Sq. Mts.
1	2	3	4	5
Oddarpalayam	14 / 2C	0	01	18
	22 / 2	0	01	07
Irugur	442 / 2	0	03	11

[No.-31015/3/2001 OR-II]
HARISH KUMAR, Under Secy.

अम संज्ञा

नई दिल्ली, 25 जनवरी, 2001

का. अ. 436—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबंधन के संबंध निवृत्तियों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, धनबाद के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-1-2001 को प्राप्त हुआ था।

[सं. एल.—20012/231/93—आई. आर. (सी-II)]

एस. एस. गुप्ता, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 25th January, 2001

S.O. 436.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s BCC Ltd. and their workman, which was received by the Central Government on 19-1-2001.

[No. L-20012/231/92-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) (2A) of the Industrial Disputes Act, 1947

Reference No. 105 of 1994

PARTIES :

Employers in relation to the management of Dugda Coal Washery of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT :

Shri Sarju Prasad,
Presiding Officer.

APPEARANCES :

For the Employers : Shri S. Prasad,
Deputy Personnel Manager.

For the Workmen : Shri D. Mukherjee, Secretary,
Bihar Colliery Kamgar Union.

State : Jharkhand. Industry : Coal.

Dated, the 4th January, 2001

AWARD

By Order No. L-20012/231/93-I.R. (Coal-I) dated, the 27th April, 1994 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal—

"Whether the action of the management of Dugda Coal Washery of M/s. BCCL, P.O. Dugda Dist. Dhanbad in not regularising S/Shri Muslim Ansari and 52 others (as per list attached) is legal and justified? If not, to what relief is the concerned workmen are entitled?"

52 others (as per list attached) is legal and justified? If not, to what relief is the concerned workmen are entitled?"

2 The brief facts ; giving rise to this dispute is that Bihar Colliery Kamgar Union has sponsored the present dispute alleging that Muslim Ansari and 52 others as per list attached to the order of reference are working since 1987 in the job of maintenance work within the premises of Dugda Coal Washery which is a permanent nature of job and their attendance in each calendar year is more than 240 days. They are doing the maintenance job which is absolutely necessary for running the washery for smooth production of washed coal. Their work is being directly supervised by the management of Dugda Coal Washery and implements of work are also provided by the management of Dugda Coal Washery. But they are not being paid wages as per NCWA/SAIL. Wage Board and to camouflage the matter and to deprive them from the facilities of permanent workmen their payment is done by the management through some intermediary which is paper arrangement to camouflage the real issue. Since they are doing permanent nature of job of maintenance and repair they demanded for permanent absorption in the employment of Dugda Coal Washery by way of regularisation which was not heeded, then they raised an industrial dispute before the A.L.C. (C), Dhanbad which ended in failure. Then the appropriate Government has referred the dispute to this Tribunal.

3. The case of the management is that the concerned workmen are not the workmen of Dugda Coal Washery. Dugda Coal Washery has never issued them any appointment letter nor the management is making any payment to them, therefore there is no relationship of employer and workmen between the management of Dugda Coal Washery and the concerned persons whose names find place in the order of reference. Further, according to them since this sponsoring union has not given the name of the contractor under whom they were working, therefore it is not possible for the management to verify whether they have worked or not as contractor's workers. However, the management has pleaded that it is just possible a few of them might have worked under any contractor. The management has clearly asserted that the concerned persons have never worked for maintenance job or in a permanent nature of job, therefore, the demand of the sponsoring union for regularisation of Muslim Ansari and 52 others is not justified.

4. Keeping in view the pleadings of the parties the point to be decided is—

(i) Whether the concerned persons, Muslim Ansari and 52 others whose names find place in the order of reference are the workmen of Dugda Coal Washery? If so, are they doing a permanent nature of job?

(ii) Are the concerned persons entitled for absorption in the permanent employment of Dugda Coal Washery?

5 FINDINGS :

Point No. (i) :

The concerned workmen in order to prove that they are doing the job of maintenance within the factory premises of Dugda Coal Washery have examined one of the concerned persons. Ayodha Prasad Barnwal, who has said that he alongwith other persons are doing the job of maintenance and repairing from the year 1987 regularly and on each calendar year they performed duties for more than 240 days. He has further said that implements for work are supplied by the management and their work is supervised by the management. He has further said that the management has only 20 to 25 permanent workers to do maintenance and repair work and rest of the work is performed by the concerned persons. In cross-examination he has stated that Sri A. K. Roy, Engineer, allots them work and the Charpman, Salauddin Khan, the Engineers, A. K. Roy and A. K. Karan supervise their job. He has further stated in cross-examination that they get wages at the counter of the Washery and one Ram Chandra Prasad, Clerk, of the washery makes them payment. He has further stated that the work implements consist of pipe, welding rod, angle,

channel etc. which are issued on the basis of slips issued to them by the Engineer and they get these materials from the Stores where Mr. Mitra is Stores Incharge. He has further stated that they got gate pass for four or six months. Although this witness has stated that the Engineer, A. K. Roy allots them work and then work is supervised by Salaudhin Khan, Chaugaman, A. K. Roy and A. K. Karan, Engineer, but the management has not examined them to refute this fact. The management has not even stated that these persons named by him are not posted at Dugda Coal Washery. Further I find that he has said that he used to receive implements from the stores where Sri Mitra is the Stores Incharge, but said Sri Mitra also has not been examined to refute his assertion nor there is suggestion that there is no Mitra as Stores Incharge posted there. Further the concerned persons have filed 164 gate passes or applications for gate pass MW-1 Arun Kumar, Superintending Engineer at Dugda Coal Washery has admitted that these gate passes bear signature of the Project Officer, S. S. Pradashani K. Sinha, H. K. Chakraborty, D. R. Sahu, the officials of the Dugda Coal Washery. These gate passes or the applications have been marked in bunch as 'Ext. W-1'. These gate passes clearly go to show that the concerned persons are doing the job of maintenance as alleged by them, but the management has falsely asserted that none of them are working in the job of maintenance or in any permanent nature of job. Until and unless these workers are doing the job of maintenance on other allied job within the factory premises of Dugda Coal Washery there is no necessity to issue gate passes in their names by the Project Officer of the Washery and other officials. MW-1 has further stated that without gate pass no one is permitted to enter into the washery premises. MW-1 has said that for installation work contractors are engaged on temporary basis. But the management in its written statement has not taken such plea, rather, MW-3 S. Prasad, has come to say that neither the washery has been registered under the Contract Labour (Regulation and Abolition) Act nor the so-called contractor has got any licence. The management has examined S. N. Roy, who was working in Dugda Coal Washery from the year 1975 and subsequently has been transferred to other place, who has admitted that the concerned person, Murlim Ansari, was working in Dugda Coal Washery. In his evidence he has come to say that the permanent employees of Dugda Coal Washery are provided with appointment letters, pay slips, Identity Cards etc. But the contractor's workers are appointed by the contractor and the muster roll is maintained by the contractor. He has further come to say that the payment of contractor's workers are made by the contractor and on completion of work the contractor removes its workers. He has come to say that they do not supervise the work of contractor's workers. However, he has admitted that as per Factory Law it is the competent person who is authorised to supervise the work. He has stated that he has not seen the licence of the contractor nor he has seen the registration certificate of the contractor. Thus, from the evidence of the management's witnesses it appears that they have come to say that the management usually engages contractor to do certain work and it is the contractor who engages his workers, but they have admitted that neither the management is a registered firm under the Contract Labour (Regulation and Abolition) Act, 1970 nor the so-called contractor is a licensee. Therefore, applying the settled principle of law on this subject by our Apex Court, such workmen must be deemed to be the workers of the management. Therefore, in absence of registration of management's firm under Contract Labour (Regulation and Abolition) Act and the contractor having no licence the contractor's workers must be said to be the workmen of the principal employer. Therefore, there is no doubt that there is relationship of employer and employees between the management of Dugda Coal Washery and the concerned persons.

6. On behalf of the sponsoring union certain documents including gate passes were called for but the management has not filed the same and the xerox copy of gate pass filed by the sponsoring union has been admitted to have been signed by the Project Officer and other officials of Dugda Coal Washery by Arun Kumar, MW-1. Therefore by non filing of Gate Pass Register and Gate Passes the management has withheld those documents and therefore an adverse inference will have to be drawn against the management. The Gate Pass Register would have proved for which period and for which nature of job the gate passes were issued to the contractor's workers. But the management has withheld the

same only because it would have supported the claim of the concerned workmen that they have worked for more than 240 days in a calendar year in the job of maintenance and repair which is a permanent nature of job. Further, I find that WW-1 has stated that he alongwith other concerned persons have worked on each days of the week and their attendance is more than 240 days in a year which has not been challenged in cross-examination. The management's own witnesses have admitted that it was the contractor who used to keep muster roll of its workmen but they have not summoned any contractor to produce such muster roll register to show that none of the concerned persons have worked for more than 240 days in a calendar year. Under the provisions of Contract Labour (Regulation and Abolition) Act, 1970 the principal employer is duty bound to supervise the payment of wages even to the contractor's workers and therefore it is expected that the management must be having documents in proof of supervision of the payment of wages to the concerned persons. The management could have refuted the claim of the concerned persons regarding having worked for more than 240 days in a calendar year by producing payment-sheets. But the management has not taken any step to produce such payment-sheets. Therefore, by non-production of such payment-sheets an adverse inference will have to be drawn against the management.

7. Thus, from the discussions made above, I find that the concerned persons are the workmen of Dugda Coal Washery doing the permanent nature of job i.e. maintenance and repair work and there is no challenge that they have worked for more than 240 days in a calendar year. Accordingly, this point is decided.

8. Point No. (ii) :

Since we have found that the concerned persons are working in the maintenance and repair job for more than 240 days in a calendar year and the job is of permanent nature. I find that they are entitled for absorption as permanent employees by way of regularisation and the intermediary contractor must go away. Therefore, the action of the management in not regularising the concerned persons, Muslim Ansari and 52 others is not justified.

9. Accordingly, I render—

AWARD

That the action of the management of Dugda Coal Washery of M/s. BCCL, in not regularising S/Shri Muslim Ansari and 52 others as per list attached to the reference order is not justified and they are entitled for regularisation as permanent employees of Dugda Coal Washery as Mazdoor Category-I. Accordingly, the management is directed to regularise them in its permanent employment as Mazdoor Category-I within 30 days from the date of publication of the award failing which they shall be entitled to claim wages of Mazdoor Category-I from the date of award.

SARJU PRASAD, Presiding Officer

ANNEXURE TO THE MINISTRY'S ORDER NO.

L-20012/231/93-IR(C-I) dated 27-4-1994

1. Shri Baldeo Mahto S/o Sh. Sitan Mahto.
2. Sh. Teklal Mahto S/o Sh. Kawali Mahto.
3. Sh. Rathlal Mahto S/o Sh. Kawali Mahto.
4. Sh. Pritam Mahto S/o Sh. Bhawani Mahto.
5. Sh. Ghanshyam Mahto S/o Sh. Daulat Mahto.
6. Sh. Khemlal Mahto S/o Sh. Daulat Mahto.
7. Sh. Raju Raut S/o Sh. Narayan Raut.
8. Sh. Parma Nand Raut S/o Sh. Narayan Raut.
9. Sh. Chandra Gupta Raut S/o Sh. Narayan Raut.
10. Sh. Somar Manjhi S/o Sh. Lawtan Manjhi.
11. Sh. Rame h Giri S/o Sh. Rajeshwar Giri.
12. Sh. Rameshwar Sharma S/o Sh. Biswanath Sharma
13. Sh. Subin Mahto S/o Sh. Kali Mahto.
14. Sh. Bhola Manjhi S/o Sh. Khanan Manjhi.

15. Sh. Arun Mahto S/o Sh. Daulat Mahto.
16. Sh. Bippi Adhikari S/o Sh. Ashok Adhikari.
17. Sh. Dubeshwar Manjhi S/o Sh. Rohan Manjhi.
18. Sh. Kauselendra Kumar S/o Sh. Raj Prasad.
19. Sh. Binod Kumar S/o Sh. Raj Prasad.
20. Sh. Bklon Kumar Mahto S/o Sh. Satya Narayan Mahto.
21. Sh. Muslim Ansari S/o Sh. Kadir Ansari.
22. Sh. Raj Kumar Sharma S/o Sh. Todi Sharma.
23. Sh. Arjun Prasad S/o Sh. Shiv Pujan Prasad.
24. Sh. Jitendra Pd. S/o Sh. Premlal Mahto.
25. Sh. Arjuu Mahto S/o Sh. Swargia Hiru Mahto.
26. Sh. Lal Babu Singh S/o Sh. Lal Mohan Singh.
27. Sh. Bhim Mahto S/o Sh. Jagdish Mahto.
28. Sh. Shyam Narayan Pd. S/o Sh. Kameshwar Pd.
29. Sh. Ram Sunder Das S/o Sh. Balkrishna Mahto.
30. Sh. Sukhdeo Shah S/o Sh. Sitaram Shah.
31. Sh. Chandrika Giri S/o Sh. Kisto Giri.
32. Sh. Jaladhar Mahto S/o Sh. Maneshwar Mahto.
33. Sh. Shyam Lal Murmu S/o Sh. Lobin Murmu.
34. Sh. Baleshwar Sharma S/o Sh. Basudeo Sharma.
35. Sh. Suresh Thakur S/o Sh. Kashi Thakur.
36. Sh. Sudhakar Mishra S/o Sh. Ram Bhavan Mishra.
37. Sh. Suraj Nath Tripathi S/o Sh. Pasupati Nath Tripathi.
38. Sh. Biru Mahto S/o Sh. Jeetu Mahto.
39. Sh. Fani Bushan Mahto S/o Sh. K. C. Mahto.
40. Sh. Bijay Shankar Singh S/o Sh. Paras Nath Singh.
41. Sh. Jagdish Mahto S/o Sh. Madho Mahto.
42. Sh. Dipuk Singh S/o Sh. Kartik Singh.
43. Sh. Ayodhya Pd. Baranwal S/o Sh. R. P. Baranwal.
44. Sh. Rati Ram Mahto S/o Sh. Sadhu.
45. Sh. Bharat Panday S/o Sh. T. Panday.
46. Sh. B. Antony S/o Sh. A. Antony.
47. Sh. Bedeshi Mahto S/o Sh. Risidhar Mahto.
48. Sh. Megh Nath Sharma S/o Sh. Chhotu Sharma.
49. Sh. Birendra Prasad S/o Sh. Mukhlal Prasad.
50. Sh. Saligam Mishra S/o Sh. Ram Bilas Mishra.
51. Sh. Jivanand Pathak S/o Sh. Sarvjeet Pathak.
52. Sh. Raj Narayan Dubey S/o Sh. Bhirgunath Dubey.
53. Sh. Sandeep Kumar Banerjee S/o Sh. Nirmal Kr. Banerjee.

नई दिल्ली, 16 फरवरी, 2001

का. आ. 437.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. एल. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-2-2001 को प्राप्त हुआ था।

[सं. एल-20011(2)/88-डी-4(ए)/आई आर
(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 16th February, 2001

S.O. 437.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s BCC Ltd. and their workman, which was received by the Central Government on 15-2-2001.

[No. L-20011(2)/88-D-4(A)/IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)

(d)(2A) of the Industrial Disputes Act, 1947.
Reference No. 61 of 1989

PARTIES :

Employers in relation to the management of
M/s. Bharat Coking Coal Ltd.

AND

Their Workmen.

PRESENT :

Shri Sarju Prasad, Presiding Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : Shri D.K. Verma, Advocate.

STATE : Jharkhand. INDUSTRY : Hard Coke.
Dated, the 23rd January, 2001

AWARD

By Order No. L-20011(2)/88-D-4(A)/I.R. (Coal-I) dated the 19th May, 1989 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the demand of Dhanbad Colliery Karmachari Sangh that Kamla Shankar Dubey and 51 other workmen working with Sanjeev Hard Coke Manufacturing Company, Sudamdih, District Dhanbad be regularised in the service of M/s.

BCCL with effect from 20-9-83 is justified ? If so, to what relief these workmen are entitled ?”

2. The industrial dispute is for regularisation of Kamla Shankar Dubey and 51 other workmen, whose names find place in the list of reference order in the employment of M/s. B.C.C. Ltd. with effect from 20-9-83 on the ground that they were working at Sanjeev Hard Coke Manufacturing Company, Sudamdih, Dhanbad. It is further to adjudicate if they are entitled for regularisation then to which relief they are entitled.

3. It is admitted case of the parties that Sanjeev Hard Coke Manufacturing Company was engaged in the business of manufacturing of hard coke at Sudamdih. In view of nationalisation of coal industry the management of M/s. B.C.C. Ltd. wanted to take over charge of the management of Sanjeev Hard Coke Manufacturing Company with effect from 1-5-1972, but they could not succeed because the owner of the said Hard Coke Manufacturing Company filed a writ petition before Hon'ble Calcutta High Court and in that writ petition pending hearing of the writ petition, P.D. Ajmera, one of the Partner of the said Sanjeev Hard Coke Manufacturing Company and Mr. R. N. Sharma of M/s. B.C.C. Ltd. were appointed Joint Receiver to manage affairs of the said Hard Coke Manufacturing Company. M/s. B.C.C. Ltd. was not satisfied with the order of appointment of Receiver and they filed an appeal before larger bench in Calcutta High Court, but their appeal was dismissed and the order of appointment of receivership by the Single Judge of Calcutta High Court was upheld with a modification that Om Parkash Gupta, Chief Administrative Officer of Sanjeev Hard Coke Manufacturing Company will work as Manager under the Joint Receiver. Subsequently the writ petition was transferred from Calcutta High Court to Hon'ble Supreme Court and ultimately by its judgement dated 10-12-82 the Hon'ble Supreme Court decided the writ petition filed by the management of Sanjeev Hard Coke Manufacturing Company. The Hon'ble Supreme Court held that Coking Coal Mins (Nationalisation) Act, 1972 as valid and in terms of that the Sanjeev Hard Coke Manufacturing Company vested on M/s. B.C.C.L. Thus after the long litigation the management of said Sanjeev Hard Coke Manufacturing Company vested in M/s. B.C.C. Ltd. It is admitted case of the parties that the said Sanjeev Hard Coke Manufacturing Company worked upto 15-12-82 and thereafter it has remained closed. According to the sponsoring union of the present dispute the management of said Hard Coke Manufacturing Company was the Joint Receivership of P.D. Ajmera, one of the Partner of the said Company and R.N. Sharma an official of M/s. BCCL and Mr. Om Parkash Gupta, Chief Administrative Officer was Manager of the said Company. According to them, the management of the

said Company fully vested with effect from 8-12-82 upon M/s. BCCL after the judgement pronounced by the Hon'ble Supreme Court dismissing the writ petition filed by the private owner of the said Hard Coke Manufacturing Company. Therefore, in terms of Coking Coal Mines (Nationalisation) Act, 1972 of coal industry the concerned persons, Kamla Shanker Dubey and 51 others who were on the permanent roll of Sanjeev Hard Coke Manufacturing Company, Sudamdih, must be treated as the workmen of M/s. BCCL and they are entitled for regularisation on the roll of M/s. BCCL. Further according to them M/s. BCCL took charge of the Company after the passing of the judgement of Hon'ble Supreme Court on 8-12-82 and they run the Company for days, thereafter they have closed the Company without giving any notice to the employees of the said Company and they have been illegally stopped from work. Therefore they are entitled for full back wages from the date of stoppage of their work.

4. The management of M/s. B.C.C. Ltd. on the other hand, has pleaded that even after the order of the Hon'ble Supreme Court the management of erstwhile Sanjeev Hard Coke Manufacturing Company at Sudamdih did not hand over charge of the Company and Accounts Book then they again moved Hon'ble Supreme Court and by order dated 29-7-83 the Hon'ble Supreme Court directed the second Respondent, P. D. Ajmera to hand over possession of the said Company to Chief Financial Manager of M/s. BCCL. They were directed for preparing inventory and work was to commence from 16-8-83 and was to be completed within a period of six weeks. Thus, as per order of the Hon'ble Supreme Court M/s. BCCL got actual possession of the Company on 20-9-83. But prior to that the management of Sanjeev Hard Coke Manufacturing Company has closed the Company sometime in the month of December, 1982. They have syphonised all the money elsewhere and did not take proper repair and maintenance as a result of which the two recognises of the said Company was completely damaged, worn-out and was not viable to be re-started. Thus the said Company is still in closure stage. Since the said Company is closed prior to taking over possession of the Company by the management of M/s. BCCL the workmen if, any working under Sanjeev Hard Coke Manufacturing Company must be deemed to have been retrenched and since the Company is in closure stage no industrial dispute can be raised by its workmen and therefore the concerned persons are not entitled to regularisation or any benefit. Further according to them, a similar dispute was raised on behalf of Rashtriya Colliery Mazdoor Sangh for regularisation in the roll of M/s. B.C.C. Ltd. with respect to 184 employees of the said Sanjeev Hard Coke Manufacturing Company who had claimed to have worked there as contractor's

labour and in that reference which was referred to Central Govt. Industrial Tribunal No. 2, Dhanbad and was numbered as Reference No. 159 of 1986, the Hon'ble Tribunal has been pleased to pass an award holding that out of 184 persons whose dispute was referred only 71 were genuine workmen who had worked under contractor in the said Sanjeev Hard Coke Manufacturing Company prior to nationalisation. The Hon'ble Tribunal No. 2 further held that the management of M/s. B.C.C. Ltd. has taken possession of Sanjeev Hard Coke Manufacturing Company on 20-9-83 and much prior to that date i.e. in the month of December, 1982 itself the said Company was closed, therefore, in view of the ruling of Apex Court reported in 1957 (I) LLJ. 235 (Pipraich Sugar Mills Ltd. Vs. Pipraich Sugar Mills' Mazdoor Union) and 1960 (II) LLJ. 1 (Hathising Manufacturing Company Ltd. Vs. Union of India), it has been held that there can be neither any industrial dispute nor any industrial adjudication with respect to closed industrial establishment. Since Sanjeev Hard Coke Manufacturing Company has been closed towards the end of 1982 when it was still in possession of P. D. Ajmera in the capacity of Joint Receivership there can be no dispute between the workmen of Sanjeev Hard Coke Manufacturing Company and the management of M/s. BCCL as the said industrial establishment was closed when BCCL came in possession of the management of Sanjeev Hard Coke Manufacturing Company. This finding of the Tribunal No. 2 was challenged by the sponsoring union, Rashtriya Colliery Mazdoor Sangh before the Hon'ble High Court, Patna which was pleased to uphold the finding of the Tribunal No. 2. Against that a S. L. P. was filed before the Hon'ble Supreme Court which also upheld the finding that since the Sanjeev Hard Coke Manufacturing Company was closed the only relief to which its workmen are entitled are retrenchment benefit under Sec. 25FFF of the Industrial Disputes Act and entitlement of re-employment in case when the Company re-opens. The fact of reference of the dispute of some of the workmen of Sanjeev Hard Coke Manufacturing Company, Sudamdih, espoused by Rashtriya Colliery Mazdoor Sangh is admitted by the union sponsoring the present industrial dispute. They have also admitted the fact that in that reference award has been passed holding that BCCL has taken over possession of the said Sanjeev Hard Coke Manufacturing Company after its closure and as such the workmen are not entitled to regularisation in the roll of the management of M/s. BCCL. They have also admitted that a writ petition against that award has been dismissed by the Hon'ble High Court and Hon'ble Supreme Court has held that genuine workmen are only entitled for retrenchment benefit under Sec. 25FFF and re-employment when the Company reopens.

5. The management of M/s. BCCL have also pleaded that the concerned persons, Kamla Shankar Dubey and 51 others are not genuine workmen of Sanjeev Hard Coke Manufacturing Company and many of them are strangers and job seeker. On this score also they have pleaded that they are not entitled to any relief.

6. Thus, from the pleadings of the parties it appears that most of the facts are admitted. Only the dispute is with regard to the date upon which the management of M/s. BCCL has taken over possession of Sanjeev Hard Coke Manufacturing Co. at Sudamdih whether it has taken possession on 8-12-82 the date on which the Hon'ble Supreme Court dismissed the writ petition or on 20-9-83 as alleged by the management of M/s. B.C.C. Ltd. Therefore, in the present reference the point to be decided is :—

- (i) What is the actual date on which M/s. BCCL has taken possession of the management of Sanjeev Hard Coke Manufacturing Company ?
- (ii) Has M/s. B.C.C. Ltd. run the Company after taking over possession for few days and then closed the Company ?
- (iii) Are the concerned persons genuine workmen of M/s. Sanjeev Hard Coke Manufacturing Company ? If so, the they entitled to claim for regularisation in the employment of M/s. BCCL ?

7. FINDINGS :

Point Nos. (i) & (ii)

It is admitted that after the Coking Coal Mines (Nationalisation) Act of coal industry the management of Sanjeev Hard Coke Manufacturing Company challenged the virus of the Nationalisation Act before Hon'ble Calcutta High Court and the Hon'ble Calcutta High Court was pleased to appoint a Receiver pending disposal of the writ petition. Two Receivers were appointed one was P.D. Ajmera, one of the Partner of Sanjeev Hard Coke Manufacturing Company, Sudamdih and other was R. N. Shesan, a Director of M/s. BCCL. The Chief administrative Officer, Om Prakash Gupta was appointed Manager of the Company who was managing the day to day affairs of the Company. Thus the Company remained under the custody of the Receiver appointed by the Court upto 10-12-82 when the Hon'ble Supreme Court ultimately dismissed the writ petition holding the validity of Coking Coal Mines (Nationalisation) Act, 1972. The management has brought on record a Civil Misc. petition filed by the Union of India alleging that even after passing of the judgement by the Hon'ble Supreme Court, P. D. Ajmera, one of the Joint Receiver and partner of Sanjeev Hard

Coke Manufacturing Company has not handed over possession of the Company and Accounts Book to M/s. BCCL. However, M/s. BCCL had written letter to P. D. Ajmera to hand over possession of the Company to M/s. BCCL, with up-to-date accounts by 31-12-82 to which P. D. Ajmera replied that accounts upto 1981 has been sent to other Joint Receiver from time to time. In that petition filed on 2-3-83 the Union of India has prayed for direction to P. D. Ajmera to hand over possession of the management of the said Hard Coke Manufacturing Company after making out comprehensive inventory of the same and P. D. Ajmera was sought to be restrained of carrying out any business or other transaction in respect of the said Company. In pursuance of that petition the final order was passed by the Hon'ble Supreme Court on 29-7-83 by which Mr. Ajmera was directed to hand over possession after preparing inventory of all articles etc. to the Chief Financial Manager of M/s. BCCL and the inventory was to commence from August 16, 1983. Thus, it is crystal clear that till 16-8-83 the possession of the Plant was not handed over to M/s. BCCL. The Management has examined one witness who has stated that M/s. BCCL came in possession with effect from 20-9-83, whereas two of the concerned persons have been examined who have stated that M/s. BCCL came in possession of the Plant just after passing of the judgement by the Hon'ble Supreme Court in the month of December, 1982, but their evidence is not supported by any documentary evidence. On the other hand, documentary evidence goes to show that the management of the said Plant came in possession of M/s. BCCL on 20-9-83. The two concerned workmen who have been examined as WW-1 and WW-2 have clearly stated that the Plant functioned upto 15-12-82 and thereafter it was closed. Therefore it is clear that before handing over of possession of the said Plant to M/s. BCCL the Plant was closed. It is admitted that so far the plant has not been re-opened and now the management of M/s. BCCL has thought not to re-open the same because during the period of long litigation the entire plant has been worn out, damaged and not at all viable for working. Thus, I find that the materials on record prove that M/s. BCCL has taken possession of the Plant w.e.f. 20-9-83 whereas the plant was closed w.e.f. 16-12-82. The management has produced the copy of the award submitted by the Tribunal No. 2 in another case sponsored by Rashtriya Colliery Mazdoor Sangh for regularisation of 184 persons of M/s. Sanjeev Hard Coke Manufacturing Plant on the ground that they were on the roll of the company prior to the date on which the said Plant was nationalised. In that award also it has been clearly held that after going through the evidence that the BCCL has taken over the possession of the Plant when the plant was closed. Therefore, from the material on record, I find that M/s. BCCL came into possession of the Plant on 20-9-83

and the Plant was closed in the middle of December, 1982 itself. Accordingly, these points are answered.

8. Point No. (iii) :

Since it has been already held that the management of M/s. BCCL came into possession of Sanjeev Hard Coke Manufacturing Plant on 20-9-83 which was closed in the middle of December, 1982 therefore, in view of the aforesaid fact of closure which is still closed the concerned persons even if they were on the roll of Sanjeev Hard Coke Manufacturing Plant cannot be ordered to be regularised in the employment of M/s. BCCL and their only remedy will be retrenchment compensation as provided under Sec. 25FFF of the Industrial Disputes Act and re-employment in case the closed plant is re-opened in future. Although chance of re-opening is not at all there and the management of M/s. BCCL has already taken a decision that it is not viable for them to re-open the plant, therefore at best the concerned persons if they were on the roll of the Sanjeev Hard Coke Manufacturing Plant shall be entitled for retrenchment benefit as has been ordered by the Hon'ble Supreme Court in the other reference by some of the workmen of Sanjeev Hard Coke Manufacturing Plant.

9. Although in the written statement of the management they have submitted that all the concerned persons are not genuine workmen of Sanjeev Hard Coke Manufacturing Plant but they have not produced the relevant register to show that they are not genuine persons. On the other hand, the concerned persons have filed a xerox copy of letter by the Manager of Sanjeev Hard Coke Manufacturing Plant written to Dy. Chief Personnel Manager of M/s. BCC Ltd., dated 14-9-83 which has been marked Ext. W-3 giving the list of 16 direct employees and 36 direct employed loaders and the name of most of the persons in the list tally with the list enclosed with the reference order with only four typing mistake. Therefore, I find that they were the genuine workmen of Sanjeev Hard Coke Manufacturing Plant and therefore they are entitled for retrenchment benefit from the management of said Hard Coke Manufacturing Plant.

10. In the result, I render—

AWARD

That the concerned workmen, Kamla Shanker Dubey and 51 others are not entitled for regularisation in the roll of M/s. B.C.C. Ltd. They are only entitled to retrenchment compensation under Sec. 25FFF of the Industrial Disputes Act from the management of said Sanjeev Hard Coke Manufacturing Company and re-employment in case the said Hard Coke Manufacturing Company is re-opened.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 16 फरवरी, 2001

का.प्रा. 438:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार मैमर्स सी. सी. एल. के प्रबंधन के संबद्ध नियोजक और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं-1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-2-2001 को प्राप्त हुआ था।

[सं.एल-20012/14/99-आई.आर. (सी-1)]

एस.एस. गुप्ता, अवसर सचिव

New Delhi, the 16th February, 2001

S.O. 438.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employee in relation to the management of M/s C.C. Ltd. and their workman, which was received by the Central Government on 15-2-2001.

[No. L-20012/14/99-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1) (d)(2A) of the Industrial Disputes Act, 1947
Reference No. 148 of 1999

PARTIES :

Employers in relation to the management of
Barkakana Central Workshop of M/s.
C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri Sarju Prasad, Presiding Officer.

APPEARANCES :

For the Employers : Shri D.K. Verma, Advocate.

For the Workmen : None.

STATE : Jharkhand INDUSTRY : Coal

Dated, the 25th January, 2001

AWARD

By Order No. L-20012/14/99-IR(C-I) dated 15-7-99 the Central Government in the Ministry of Labour has, in exercise of the powers conferred

by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“क्या जनता मजदूर संघ की मांग कि श्री रविन्द्र कुमार तथा अब (सूची संलग्न) को पूर्ण तिथि से पदोन्नत किया जाए उचित एवं मान्य” है? यदि हां तो कर्मकार किस राहत के पात्र हैं तथा किम तारीख से?

2. The order of reference was received in this Tribunal on 23-7-99. Thereafter several adjournments were given to file written statement on behalf of the concerned workmen. Notice was also sent to the sponsoring union. But even to-day (25-1-2001) neither the sponsoring union nor the concerned workman are present to take any step in this case. It, therefore, appears that neither the sponsoring union nor the concerned workmen are interested to contest the case.

3. Under such circumstances, I render a 'No Dispute' Award in the present case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 16 फरवरी, 2001

का.प्रा. 439:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार मैमर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं-1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-2-2001 को प्राप्त हुआ था।

[सं.एल-20012/(153)/92-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवसर सचिव

New Delhi, the 16th February, 2001

S.O. 439.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employee in relation to the management of M/s B.C.C. Ltd. and their workman, which was received by the Central Government on 15-2-2001.

[No. L-20012/(153)/92-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1) (d)(2A) of the Industrial Disputes Act, 1947

Reference No. 70 of 1993

PARTIES :

Employers in relation to the management of Sayal 'D' Colliery of M/s. C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri Sarju Prasad, Presiding Officer.

APPEARANCES :

For the Employers : Shri D.K. Verma, Advocate.

For the Workmen : None.

STATE : Jharkhand INDUSTRY : Coal

Dated, the 24th January, 2001

AWARD

By Order No. L-20012/(153)/92-IR(C-I) dated the 15th February, 1993 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the termination of Shri Khirodhar Mahto twice from his service without providing natural justice and the appointments is legal and justified ? If not, to what relief is the workman entitled to ?"

2. In this case both the parties have filed their respective written statements and rejoinders. Thereafter the sponsoring union is not taking step. Despite giving notice to the sponsoring union none is appearing to take further step in this case. Even to-day (24-1-2001) none is present on behalf of the workman. It, therefore, appears neither the sponsoring union nor the concerned workman is interested to contest the case.

3. Under such circumstances I render a 'No Dispute' Award in the present case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 16 फरवरी, 2001

का.आ. 440—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय

सरकार मैसर्स बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम सं० 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-2-2001 को प्राप्त हुआ था।

[सं.एल-20012/294/90-आई.आर. (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 16th February, 2001

S.O. 440.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C. Ltd. and their workman, which was received by the Central Government on 15-2-2001.

[No. L-20012/294/90-IR(C-I)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

PRESENT :

Shri Sarju Prasad, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act, 1947,

Reference No. 20 of 1991

Employers in relation to the management of Sudamdih Shaft Mine of M/s. BCCL, P.O. Sudamdih, Dist. Dhanbad and their workman.

APPEARANCES :

On behalf of the employers : Shri B. Joshi, Advocate.

On behalf of the workmen : Shri D. Mukherjee, Advocate.

STATE : Jharkhand INDUSTRY : Coal

Dated, Dhanbad, the 23rd January, 2001

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/294/90 dated, the 19th March, 1991.

SCHEDULE

"Whether the action of the management of Sudamdih Shaft Mine, M/s. BCCL, P.O. Sudamdih Dist. Dhanbad in dismissing Shri Sambhu Nath Sharma, Dresser is justified ? If not, to what relief the workman is entitled ?"

2 This dispute arises out of dismissal of Sambhu Nath Sharma who was posted as Dresser in the Riverside hospital of Sudamdih Shaft Mines of M/s. BCCL by letter dt. 19-8-89.

3. The brief, facts giving rise to this industrial dispute is that a complaint was made by Ashok Mallah, a Driver of the Rescue Station of the said colliery alleging that his sister Urmila Kumari had sustained some injuries on her finger on 3-4-89. Therefore, she had been to Riverside dispensary at Sudamdih for treatment of her injured finger. The concerned workman attended her at about 10 A.M. and asked her to come again at 12.15 P.M. to collect further medicine. The said Urmila Kumari aged about 12 years again went to the dispensary at about 12 P.M. when the dispensary was closed

and the concerned workman was outside the dispensary. He took Urmila Kumari and three children of Ashok Mallah who had accompanied her inside the dispensary and he closed the three children in one room and gave them a spectacle to play with and closed the door and took Urmila Kumari to dressing room where he dressed her injured fingers and thereafter undressed her lower garments and curbed her modesty. It is further alleged that during the stripping of modesty of that girl he choked her mouth so that she may not cry. Upon this complaint by Ashok Mallah the management issued a chargesheeted dt. 4-4-89 to the concerned workman and put him under suspension with effect from 4-4-89. The concerned workman submitted his reply denying the allegation on 6-4-89 but the management was not satisfied and therefore by Order dt. 8-4-89 the Superintendent of Mines ordered for constitution of an Enquiry. Shri J. P. Singh, Dy. MGR(IE) was appointed as Enquiry Officer and Shri P. Mallik, Dy. MS was appointed as Presiding Officer. The concerned workman took part in the enquiry and also took help of co-workers. The Enquiry Officer submitted his enquiry report finding the concerned workman guilty on the basis of which the concerned workman has been dismissed by the management.

4. According to the concerned workman the allegation levelled against him were all false, concocted and in order to tarnish his image. He has further alleged that the Officer who had issued the chargesheet has no power to issue chargesheet and the certified Standing Order of NCD C under which the concerned workman has been chargesheeted is not applicable to him and that the enquiry was not conducted fairly or properly and the witnesses are of one family and the charges have not been proved against him yet he has been dismissed which is illegal and arbitrary.

5. The management on the other hand has pleaded that the chargesheet was issued by appropriate authority. As per annexure to the Certified Standing Order applicable to the concerned workman, the Dy. Chief Mining Engineer is the appropriate authority. However, according to the management the Enquiry was conducted fairly or properly giving full opportunity to the concerned workman to cross-examine the witnesses of the management and also to adduce his evidence in support of his defence. According to the management the concerned workman has been rightly dismissed from service on the basis of proved misconduct by appropriate authority and therefore the action of the management is justified and the concerned workman is not entitled to any relief.

6. The question of fairness and propriety of the domestic enquiry was taken up as preliminary issue. The management has examined Shri Janardhan Prasad Singh as Enquiry Officer and brought on record the entire proceeding of the enquiry and the subsequent notesheet approving the dismissal of the concerned workman by the Chief General Manager. The concerned workman has not laid any evidence against the fairness or propriety of the domestic enquiry nor he has examined himself. Ultimately by Order dt. 15-9-94 this Tribunal has already held that the domestic enquiry was held fairly or properly. However, in spite of holding that the domestic enquiry was fair or proper my predecessor in office has allowed the concerned workman to examine himself as WW-1 on the point of victimisation and has allowed to admit document as Ext. W-1.

7. But from the evidence of WW-1 Sambhu Nath Sharma the concerned workman himself no case of victimisation has been substantiated and the document filed by him is nothing but a letter written by Dy. Chief Mining Engineer to the ALCO. Dated during the reconciliation proceeding. The concerned workman himself has admitted in W-5 that during the period of suspension he was paid subsistence allowance and from the findings of this Tribunal on the question of fairness of enquiry it has already been held that the domestic enquiry is fair and proper. Therefore, that question cannot be again re-agitated and looked into again. The order regarding fairness and propriety of the domestic enquiry is final.

8. Since the domestic enquiry has been held to be fair and proper the only scope left is under Section 11A of the ID Act, 1947. As per this provision of law this Tribunal is to re-examine the evidence collected during the domestic enquiry and to see whether the findings of the Enquiry

Officer is just and reasonable. The next question to be looked into is whether the punishment awarded to the concerned workman is proportionate to the proved misconduct if any. Therefore, now the points for decision are:—

- (a) Whether on re-appraisal of the evidence collected during the domestic enquiry the charges of misconduct has been proved against the concerned workman?
- (b) Whether the punishment of dismissal is proportionate to the proved charge of misconduct?

FINDINGS

9. The management has brought on record the copy of chargesheet which is Ext. M-2, reply of the concerned workman to the chargesheet as Ext. M-3, order of enquiry dt. 8-4-89 is Ext. M9 and the enquiry proceeding in Ext. M-4, Ext. M-5 is the enquiry report dt. 15-5-89. Ext. M-6 is the notesheet awarding punishment to the concerned workman. Ext. M-7 is the dismissal letter dt. 19-8-89. From the proceeding of the enquiry I find that the management has examined Ashok Mallah, brother of the victim girl who is a hear-say witness. He has stated that when he returned from duty he knew from his wife that the concerned workman Sambhu Nath Sharma had ill-behaved with Urmila Kumari when she had been to the hospital. He has narrated the entire occurrence as narrated to him and there is no discrepancy in his evidence. He has been cross-examined at length and there is nothing from which his evidence can be disbelieved. The next witness of the management is Urmila Kumari aged about 12 years. She has also fully supported the incident. She has clearly stated that she was called by the concerned workman Sambhu Nath Sharma to the dispensary alone at 12.15 P.M. She went there along with three children of Ashok Mallah but the concerned workman closed the three children in a room and took her to a room where injection was given. There he closed the room and undressed her under garments thereafter he mis-behaved with her. She was laid down and her mouth was closed. Urmila Kumari has been cross-examined at length but there is nothing to discredit her testimony. The next witness of the management is Sanjay Kumar son of Ashok Mallah. He too has supported that he had gone to the dispensary at 12.15 P.M. along with his aunt Urmila Kumari and his brother and sister who were closed by the concerned workman in a room and they were provided with a spectacle to play with and thereafter he took Urmila to some other room. Similar is the statement of Ajay Kumar and Amita Kumari another son and daughter of Ashok Mallah the complainant. The last witness of the management is Meena Devi wife of Ashok Mallah. She has stated that Urmila Kumari had been to hospital at 10.00 A.M. and returned from there after taking medicine. At that time she had asked Urmila why she did not get the injury bandaged. Urmila Kumari had reported that she has been called at 12.15 P.M. and again when she went to the hospital and returned back she did not take meal and started weeping. She has narrated the entire incident how the concerned workman Sambhu Nath Sharma had outraged her modesty, by undressing her under-garments. This witness too has been cross-examined at length but there is nothing to disbelieve her. It is apparent that there is no animus for false implication of the concerned workman. Therefore, from the evidence of Urmila Kumari three children of Ashok Mallah, Ashok Mallah and his wife I find that the charges of misconduct is fully proved against the concerned workman.

10. The concerned workman has examined himself and has denied the allegation but he has not been able to show as to why he has been falsely implicated. He has examined two defence witnesses Prakash Kumar Sinha and Vishnu Prasad who had said that they have been the concerned workman between 12 to 12.15 P.M. from their evidence the proved charges of misconduct is not at all disproved. Further more, Vishnu Prasad is a friend of brother of the concerned workman and another defence witness Prakash Kumar Sinha is also having good relationship with the concerned workman. The concerned workman has also examined Kanoo Dora who has stated that after closing the dispensary he handed over the key of the dispensary to the concerned workman and went away. Therefore, he cannot say what happened thereafter. Thus I find that from the evidence of defence witnesses also the proved charges of misconduct is

not at all disproved or any suspicion is created against the truthfulness of the allegation of the outraging the modesty of a girl patient Urmila Kumari by the concerned workman Sambhu Nath Sharma. Therefore, I find that the findings of the enquiry officer is just reasonable and any prudent man can arrive to the same conclusion which the Enquiry Officer has given in his findings.

11. Now further question to be considered is whether the punishment of dismissal is disproportionate to the charges of proved misconduct. The lawyer of the concerned workman has placed reliance in a case of Jitendra Singh Rathore Vs. Baidyanath Jyurved Bhawan reported in 1984 Supreme Court cases (L & S) 333 in which it has been held that Industrial Tribunal has power to set aside the order of dismissal and order reinstatement even on the basis of proved misconduct and reinstatement with 50 per cent back wages has been held to be justified. They have also placed reliance of another ruling of Hon'ble Supreme Court reported in 1984 Supreme Court cases (L & S) 281 but I find that the facts of those cases are quite different than the present one. In case of Ved Prakash Gupta reported in S.C. 1984 (L & S) 281 the misconduct was for using abusive language to the co-worker and in case of Jitender Singh Rathore was a case of loss of faith. But the present case is altogether different from those cases in which reinstatement with 50 per cent back wages has been held to be sufficient punishment. In the present case the concerned workman who was a dresser in a hospital who ought to have looked after woman patient just like mother and sister has committed serious misconduct of outraging modesty of 12 years old girl patient. Therefore, such person cannot be reinstated and in my opinion the dismissal on such proved misconduct is just and proper order. The management has filed the notashet initiated after submission of enquiry report and it appears that the approval has been obtained from the Chief General Manager to dismiss the concerned workman. Therefore, in my opinion, the punishment of dismissal is just and appropriate.

12. The learned lawyer for the concerned workman has placed reliance in a ruling of our own High Court reported in 1992 Vol. II PLIR at page 69 in which it was held that the Dy. Chief Mining Engineer has no power to suspend a workman under the Standing Order of M/s. BCCCL but that ruling is not applicable in the present case because the dismissal of the concerned workman has been approved by the Chief General Manager and the management has filed Annexure 'A' of the Certified Standing Order to show that Dy. Chief Mining Engineer/Agent has got power to take disciplinary action against the concerned workman. Therefore, the ruling cited by the lawyer of the concerned workman is not applicable in the present case.

13. From the discussions made above I find and render the following:

AWARD

"The action of the management of Sudamdih Shaft Mine M/s. BCCCL P.O. Sudamdih, Distt. Dhanbad in dismissing Shri Sambhu Nath Sharma, Dresser is justified. The concerned workman is not entitled to any relief."

SARJU PRASAD, Presiding Officer

नई दिल्ली, 16 फरवरी, 2001

का.प्रा. 441:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं-1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-2-2001 को प्राप्त हुआ था।

[सं.एल-20012/(318)/91-आई.आर. (सी-I)]

एस.एस. गुप्ता, अवसर सचिव

New Delhi, the 16th February, 2001

S.O. 441.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCC Ltd., and their workman, which was received by the Central Government on 15-2-2001.

[No. L-20012/(318)/91-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 29 of 1993

PARTIES:

Employers in relation to the management of Bera Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT:

Shri Sarju Prasad, Presiding Officer.

APPEARANCES:

For the Employers: Shri S. N. Sinha, Advocate.

For the Workman: Shri S. C. Gour, Advocate.

STATF: Jharkhand.

INDUSTRY: Coal.

Dated, the 17th January, 2001

AWARD

By Order No. L-20012(318)/91-I.R. (Coal-I) dated 4-1-93 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the demand of United Coal Workers Union Near Mack and Co., P.O. Dhansar, Distt. Dhanbad to regularise Shri Baleshwar Pandit, Wagon Loader as Receiving Munshi from 1-7-87 in Bera Colliery under Bastacolla Area P.O. Jharia, Distt. Dhanbad is justified. If not, to what relief the workman is entitled?"

2. This case was fixed for hearing of argument on merit. But Shri S. C. Gour, Advocate, appearing on behalf of the concerned workman files a petition stating therein that the concerned workman has been superannuated and he is not interested to continue the present reference case. Hence, Shri Gour prays for passing a 'No Dispute' Award in this reference case.

3. In view of the above prayer I render a 'No Dispute' Award in the present reference case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 16 फरवरी, 2001

का.प्रा. 442:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं-1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-2-2001 को प्राप्त हुआ था।

[सं.एल-20012/345/93-आई.आर. (सी-I)]

एस.एस. गुप्ता, अवसर सचिव

New Delhi, the 16th February, 2001

S.O. 442.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C. Ltd., and their workman, which was received by the Central Government on 15th February, 2001.

[No. L-20012/345/93-IR(C-I)]
S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 102 of 1994

PARTIES :

Employers in relation to the management of Huriladih Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri Sarju Prasad, Presiding Officer

APPEARANCES :

For the Employers : Shri M. K. Singh, Dy. C.P.M.

For the Workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Jharkhand.

INDUSTRY : Coal.

Dated, the 25th January, 2001

AWARD

By Order No. L-20012/345/93-I.R. (Coal-I) dated, the 19th April, 1994 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the demand of the union from the management of Huriladih Colliery under Bhalgora Area of B.C.C.L., P.O. Jharra Dist. Dhanbad for regularisation of 23 workers (vide Annexure-'A') is justified? If so, to what relief the workers are entitled?"

2. This dispute has been referred to decide whether 23 workers whose names find place in the Annexure-'A' of the reference order are entitled for regularisation in the employment of Huriladih Colliery under Bhalgora Area of M/s. B.C.C. Ltd.

3. The dispute has been raised by Bihar Colliery Kamgar Union. The sponsoring union in its written statement has pleaded that all the 23 persons named in the Annexure-'A' of the reference order have been working in Huriladih Colliery since long in the permanent and perennial nature of job, such as, line packing, tyndal, loading etc. into the underground of the mine under the direct control and supervision of the colliery management, but they are not being paid wages according to NCWA and their wage is being disbursed through certain intermediary at the rate much below the rate of NCWA. This arrangement is only a paper arrangement in order to camouflage the real matter. The concerned workmen made demand for payment of wages according to NCWA and regularisation in the employment of M/s. B.C.C. Ltd. which was not accepted by the management of Huriladih Colliery then they raised the present dispute through proper channel. Thus, according to the sponsoring union all the 23 workers have been directly employed by the management

of Huriladih Colliery of M/s. B.C.C. Ltd. and their work is being supervised by its official as per the provision of law under the Mines Act. They are also being provided with the work implements. The work is of permanent and perennial nature, inasmuch as they are entitled for regularisation with full back wages.

4. The management of M/s. B.C.C. Ltd. has filed written statement alleging that the reference is bad and ab initio void due to non-application of mind by the appropriate Government. Their further claim is that the concerned persons have worked under Kustore Shramik Sahayog Samiti Ltd. which was assigned some temporary job by virtue of work orders issued by the colliery management. They were never engaged by the management of the colliery. As a matter of fact, they were engaged by the Co-operative Society and one Ramashish Paswan is the Secretary of the said Co-operative Society. According to the management the concerned persons have never been engaged in permanent and perennial nature of work nor their work has been ever supervised by the management of the colliery. They have also denied that implements of work have been issued by the management. Thus, from the pleadings of the parties the Points to be decided as :—

(i) Whether the concerned workmen are the workmen of Huriladih Colliery of M/s. B.C.C. Ltd.? If so, were they engaged in permanent or perennial nature of work?

(ii) Whether the demand of the sponsoring union for regularisation of the concerned workmen is justified? If so, to which relief they are entitled to?

FINDINGS

5. Point No. (i) :—It is admitted case of the management of Huriladih Colliery that the concerned workmen have worked into underground mine at Huriladih Colliery in different works, like, line packing, loading, tyndal etc. However, according to them they were workers engaged by Kustore Shramik Sahayog Samiti which was assigned some contract work by virtue of work order. But the management has not filed even a chit of paper to prove that any work order was issued to the said Co-operative Society. The management has not even adduced any oral evidence to substantiate the fact that they were employed by the Co-operative Society. On the other hand, one of the concerned workman, Awadesh Singh, who has been examined as WW-1 has stated that since 1991 he alongwith other concerned workmen have been working both on surface and into underground mine and are doing the work of line packing, tyndal work, storing work, loading etc. He has further stated that every day they used to get their attendance marked by the official of the management and take their cap lamps, obtain instructions from the management's official about the work to be done and they attend to allotted work. He has said that they are doing the work of permanent nature and have worked for more than 240 days within a calendar year. He has further stated that working implements were provided to them by the management. He has further stated that their work was supervised by the management official, such as, Mining Sirdar, Overman, Safety Manager. He has clearly stated that they were not engaged by Kustore Shramik Sahayog Samiti nor their work was being supervised by the person of that Samiti. He has also stated that Ramashish Paswan was also a worker with him. He has filed 335 job slips of different dates showing the job description in which they were assigned job by the management. These job description slips have been marked Ext. W-1 in one bunch. He has also filed 52 note-sheets of different dates under signature of K. L. Singh, Agent, S.P. Sinha, Manager and D. Banerjee, Surveyor of the colliery which have been marked Ext. W-2 in one bunch. From these note-sheets it appears that there is mention that due to shortage of departmental man-power management engaged Kustore Co-operative's persons on Hazri basis at the rate of Rs. 32.50 paise per head. These note-sheets have been duly approved by the Project Officer of Huriladih Colliery. These 52 note-sheets are from the period 1-1-94 to 31-12-94. Each note-sheet is for a period of fortnight. From these note-sheets it is apparent that the Kustore Co-operative persons were engaged on 'Hazri' basis by the management due to shortage of departmental man-power. Thus, these note-sheets falsify the claim of the management that Kustore Shramik Sahayog Samiti was a contractor and the concerned persons who are the workers of Kustore Shramik Sahayog Samiti

were engaged by the said Labour Co-operative Society. On the other hand, the note-sheets under the signature of the Manager and duly approved by the Project Officer go to show that they all were engaged by the management on 'Hazar' basis for the entire year of 1994. Thus, it is apparent that the concerned workmen are the workmen of the management of Hurriladih Colliery of M/s. BCCL in Bhaigora Area.

6. The sponsoring union has also filed 18 number of loose attendance-sheets which have been marked EXIS. W-3 to W-3/17 to show that the concerned persons have been working regularly on permanent basis. Apart from that the sponsoring union has filed an application to direct the management of Hurriladih Colliery to file the attendance slips for the period 1991 to date, note-sheets for the year 1991 to date and job description loose sheets and registers, but the management did not file the same nor they have offered any explanation for not filing the same. It is admitted by the management that the concerned persons have worked into underground mine also and as per Mines Act the name of every worker has to be noted down in Form 'C' register. But the management has not filed any Form 'C' register to show that the concerned workmen have not worked on permanent job, rather, they have worked casually in temporary nature of job. Although the sponsoring union has filed an application to produce Attendance Register and the management was directed to file the same, but they have suppressed the same. Therefore presumption will be that the management has suppressed the Attendance Register only because it could have proved the case of the sponsoring union that the concerned persons have worked in permanent and perennial nature of job and their attendance was for more than 240 days in a calendar year. Furthermore, WW-1 has stated that they have worked for more than 240 days in a calendar year, but that has not been challenged in cross-examination, nor the management has adduced any evidence contrary to the assertion of WW-1. Furthermore, the note-sheet also goes to show that there was shortage of departmental man-power in Hurriladih Colliery and the concerned persons whom the management referred as Kustore Shramik Sahayog Samiti persons were engaged for the entire period of 12 months in the year 1994 and their attendance in the year 1994 is certainly more than 240 days. Therefore, I find that the concerned workmen were engaged by the management in the permanent and perennial nature of job and their attendance was more than 240 days in a calendar year. Furthermore, as per the ruling of the Apex Court in the case of Air India Statutory Corporation Vs. United Labour Union reported in AIR 1997 (SC) page 645, it has been held that if the management's establishment is not registered under the Contract Labour (Regulation and Abolition) Act, 1970 and the so-called contractor has got no licence then the persons engaged by such contractor shall be deemed to be employees of the principal employer. If we apply the ratio of the aforesaid case then we find that in the present case the management has neither pleaded nor proved that their establishment was registered under the Contract Labour (Regulation and Abolition) Act, 1970 for engagement of contractor nor they have pleaded or proved that the so-called contractor, Kustore Shramik Sahayog Samiti was a licensee under the Contract Labour (Regulation and Abolition) Act, 1970. Therefore, even if for a moment it is presumed that the concerned persons were engaged by Kustore Shramik Sahayog Samiti then also in absence of registration certificate and licence of the contractor the concerned persons must be deemed to be employees of the principal employer i.e. the management of Hurriladih Colliery of M/s. B.C.C. Ltd.

7. Thus, from the discussions made above I find that the concerned persons are the direct employees of the management of Hurriladih Colliery of M/s. BCCL and they were engaged in permanent nature of job whose attendance was for more than 240 days in a calendar year. Accordingly this point is decided.

8. Point No. (ii):—Since we have already found that the concerned persons are directly employed workmen of the management of Hurriladih Colliery in a permanent nature of job and their attendance was more than 240 days in a calendar year, in view of settled principle of law by the Hon'ble Supreme Court including that of in the case of Air India Statutory Corporation Vs. United Labour Union, referred above, the demand of the sponsoring union for absorp-

tion in permanent employment of M/s. B.C.C. Ltd. by way of regularisation is justified. However, considering that the financial condition of M/s. B.C.C. Ltd. is not very much sound, therefore, in my opinion, the concerned persons shall not be entitled to any difference of wages as back wages.

9. In the result I render—

AWARD

That the demand of the sponsoring union for regularisation of 23 concerned workmen whose names find place in Annexure 'A' to the reference order is justified. Accordingly, the management of Hurriladih Colliery under Bhaigora Area of M/s. BCCL is directed to regularise all the concerned workmen mentioned in the Annexure 'A' to the Schedule of reference order dated 19-4-1994 within 30 days from the date of publication of this award in Mazdoor Category-I, failing which they shall be entitled for wages of Mazdoor Category-I after expiry of 30 days from the date of publication of the award.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 1 फरवरी, 2001

का. भा. 443:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू इंडिया एश्योरेंस कंपनी लि. के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 29-1-2001 को प्राप्त हुआ था।

[सं. एल.-17012/34/96-आईआर (बी-II)]
सी. गंगाधरन, सचिव

New Delhi, the 1st February, 2001

S.O. 443.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of New India Assurance Co. Ltd. and their workman, which was received by the Central Government on 29-1-2001.

[No. L-17012/34/96-IR(B-II)]

C. GANGADHARAN, Under Secy,
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/110/97

Presiding Officer: Shri K. M. Rai.
Shri Ishwarlal Ramhariya,
Development Officer,
New India Assurance Company,
Pipariya,
Itarsi Branch,
Hoshangabad

Applicant.

Versus

The Chairman-cum-Managing Director,
87, MG Road,
Fort, Bombay.
Regional Manager,
New India Assurance Company Ltd.,
Regional Office, 214,
Maharana Pratap Nagar,
Bhopal.
The Branch Manager,
New India Assurance Company Ltd.,
2nd Line, Post Box No. 3,
Itarsi.

Non-applicants.

AWARD

Passed on this 15th day of January, 2001

1. The Government of India, Ministry of Labour vide order No. L-17012/39/95-IR(B-II) dated 8-4-97 has received the following dispute for adjudication by this tribunal—

"Whether the action of the management of New India Assurance Co. Ltd., in terminating the services of Shri Ishwarlal Ramhariya w.e.f. 18-11-93 is justified? If not, what relief the workman is entitled to?"

2. The case for the workman is that he was appointed as Development Officer, Grade II by the New India Assurance Co. Ltd., Mumbai on 29-4-91 and posted at Pipariya. His work was always found to be satisfactory by his superior officers. He was illegally dismissed from service from 18-11-93.

3. The management has objected the Development Officer being the workman under the provisions of I.D. Act, 1947. It has been specifically stated by the management that the Development Officer is not a workman and therefore the provisions of I.D. Act, 1947 shall not apply. According to them, the reference is bad in law and deserves to be rejected.

4. The points for determination are:

1. Whether Shri Ishwarlal Ramhariya being Development Officer is workman or not?

2. Whether the present dispute is maintainable before this tribunal or not?

5. Point No. 1: The management's contention is that Shri Ishwarlal Ramhariya being Development Officer is not a workman and therefore the provisions of Industrial Dispute Act, 1947 shall not apply in the present case.

6. In support of this contention, the management has relied on AIR 1994 SC 2608 H. R. Ayyanahaya versus Sandoz (India) Ltd. The 5 Judges bench of the Supreme Court held in this case the pronouncement in S. K. Burma's case reported in AIR 1984 SC 1462 S. K. Burma versus Mahesh Chandra and others as per incuriam. The judgement of 1984 has been relied on by Shri Jaswant Singh in support of his case. In S. K. Burma's case, the Development Officer, Life Insurance Corporation of India has been held to be workman. But the later pronouncement of 5 Judges in H. R. Ayyanahaya case has held the said view as per incuriam and therefore the said law is no longer a good law. The Supreme Court has held in para 3 of its judgement as under:

"Hence the position in law as it obtains today is that a person to be a workman under the ID Act must be employed to do the work of any of the categories viz. manual, unskilled, skilled, technical, operational, clerical or supervisory. It is not enough that he is not covered by either of the four exceptions to the definition. We reiterate the said interpretation."

7. The workman has been defined under Section 2(s) of I.D. Act, 1947 as under:

Workman means any person employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward whether the terms of employment be express or implied and for the purpose of any proceedings under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal discharge or retrenchment has led to that dispute does not include any such person—

- (i) who is subject to the Air Force Act, 1950 or the Army Act, 1950 or the Navy Act, 1957; or
- (ii) who is employed in the police service or as an officer or other employee of a person; or
- (iii) who is employed mainly in a managerial or administrative capacity; or

(iv) who, being employed in a supervisory capacity draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office of by reason of the powers vested in him, functions mainly of a managerial nature.

Taking the definition into consideration, the Supreme Court held in May and Becker case AIR 1956-SC-678 which has been followed by the 5 Judges in Ayyanahaya case that since the duties of the employee were not mainly manual or clerical, the employee was not the workman.

8. The principal duties of the Development Officers are towards promoting the business of corporation in the area allotted to them and for that purpose to recruit active and reliable agents, to train them, to canvas new business and to render policies to service holders. He is expected to assist and inspire the agents. He has no supervisory control over the agents. He is expected to stimulate and excite agents to work while exercise no control over them. He is a whole time employee. In this way the principal job of the Development Officer is to promote the business of the corporation through the agents. He does not perform any technical duty. His job is neither clerical nor manual and the clerical work done by him forms a small fraction of work. In such a circumstance, he can not be held to be a workman as laid down by the Supreme Court in A. R. Ayyanahaya case. Point No. 1 is answered accordingly.

9. Point No. 2: In view of my finding given on Point No. 1, the Development Officer is not a workman. Hence the provisions of I.D. Act, 1947 shall not be applicable in his case. The reference is accordingly held as bad in law. The Development Officer may seek his remedy through proper forum.

10. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 1 फरवरी, 2001

का. मा. 444.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नेशनल इन्श्योरेंस कंपनी लि. के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अथवा न्यायालय कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-1-2001 को प्राप्त हुआ था।

[सं. एल.—17012/39/95—आई आर (बी-II)]

सी. गंगाधरन, अव्वर सचिव

New Delhi, the 1st February, 2001

S.O. 444.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Calcutta as shown in the annexure in the Industrial Dispute between the employers in relation to the management of National Insurance Co. Ltd. and their workman, which was received by the Central Government on 31-1-2001.

[No. L-17012/39/95-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 11 of 1997

PARTIES:

Employers in relation to the management of National Insurance Company Limited.

AND

Their workman.

PRESENT :

Mr. Justice B. P. Sharma, Presiding Officer.

APPEARANCES :

On behalf of Management : Mr. R. De, Advocate.

On behalf of Workman : None.

STATE : West Bengal. INDUSTRY : Insurance.

AWARD

By Order No. I-17012/39/95-IR-B-II dated 4th March, 1997 the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of National Insurance Co. Ltd., in terminating the services of Shri Aya. Ki. Das, Ex-Pump Operator on and from 20-8-1982 without following the provisions of Section 25-F of the I.D. Act, 1947 is justified? If not, to what relief is the said workman entitled?"

2. When the case is called out today, none appears for the workman, no step is also taken on his behalf to proceed with the case, Management is represented by its Advocate. It appears from record that on several occasions on past direction was given to the workman to appear and produce the witness. On the last occasion, time was granted by way of last chance, but the workman is not taking any interest in the matter. In the circumstances it is clear that the workman has no interest left in the present matter.

3. Accordingly, the present reference is dismissed and disposed of as a case of no dispute.

Dated, Calcutta.

The 16th January, 2001

B. P. SHARMA, Presiding Officer

नई दिल्ली, 1 फरवरी, 2001

का. भा. 445:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबद्ध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-1-2001 को प्राप्त हुआ था।

[सं. एल.—17012/57/91—आई आर (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 1st February, 2001

S.O. 445.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jabalpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 29-1-2001.

[No. L-17012/57/91-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/65/92

Presiding Officer : Shri K. M. Rai.

Shri Yeshwant Singh,
S/o Harnam Singh,
Ex. DO-LIC,
At and PO Akaltara,
District Bilaspur

Workman.

Versus

The Divisional Manager,
Life Insurance of India,
Pendari, New Building,
District Raipur.

Management.

AWARD

Passed on this 15th day of January, 2001

1. The Government of India, Ministry of Labour vide order No. L-17012/57/91-IR B-II dated 26-3-92 has referred the following dispute for adjudication by this tribunal:—

"Whether the management of Life Insurance Corporation of India, Raipur justified in removing Shri Yeshwant Singh, Development Officer, from service w.e.f. 7-8-78 vide their order dated 7-8-78? If not, to what relief the workman concerned is entitled to?"

2. The case for the workman is that he was employed as Development Officer by the LIC in the year 1964. He was posted at Akaltara under Korba branch in September, 1977. He was issued chargesheet of misconduct by the management on 7-9-77. The DE was conducted against him and the charges were found to be proved by the Enquiry Officer. The Disciplinary Authority awarded the punishment of removal from service w.e.f. 7-8-78. The order of removal from service is bad in law which cannot be maintained. He is therefore entitled to reinstatement with all consequential benefits.

3. The case for the management is that Shri Jaswant Singh being the Development Officer is not a workman and therefore the present dispute cannot be maintained before this tribunal. The reference deserves to be answered accordingly.

4. The points for determination are :

1. Whether Shri Jaswant Singh being Development Officer is workman or not?

2. Whether the present dispute is maintainable before this tribunal or not?

5. Point No. 1 : The management's contention is that Shri Jaswant Singh being Development Officer is not a workman and therefore the provisions of Industrial Dispute Act, 1947 shall not apply in the present case.

6. In support of this contention, the management has relied on AIR 1994 SC-2608-H. R. Adyanthaya versus Sandoz (India) Ltd., the 5 Judges bench of the Supreme Court held in this case the pronouncement in S. K. Burma's case reported in AIR 1984 SC-1462 S. K. Burma versus Mahesh Chandra and others as per incuriam. The judgement of 1984 has been relied on by Shri Jaswant Singh in support of his case. In S. K. Burma's case, the Development Officer, Life Insurance Corporation of India has been held to be workman. But the later pronouncement of 5 Judges in H. R. Adyanthaya case has held the said view as per incuriam and therefore the said law is no longer a good law. The Supreme Court has held in para-3 of its judgement as under :

"Hence the position in law as it obtains today is that a person to be a workman under the ID Act must be employed to do the work of any of the categories viz. manual, unskilled, skilled, technical, operational, clerical or supervisory. It is not enough that he is not covered by either of the four exceptions to the definition. We reiterate the said interpretation."

7. The workman has been defined under Section 2(a) of I.D. Act, 1947 as under :—

Workman means any person employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or

reward whether the terms of employment be express or implied and for the purposes of any proceedings under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute does not include any such person—

- (i) who is subject to the Air Force Act, 1950 or the Army Act, 1950 or the Navy Act, 1957; or
- (ii) who is employed in the police service or as an officer or other employee of a person; or
- (iii) who is employed mainly in a managerial or administrative capacity; or
- (iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office of by reason of the powers vested in him, functions mainly of a managerial nature.

Taking the definition into consideration, the Supreme Court held in May and Becker case AIR 1967-SC-678, which has been followed by the 5 Judges in Adyanthaya case, that since the duties of the employee were not mainly manual or clerical, the employee was not the workman. The LIC Staff Regulations classified the staff into 4 categories viz.:

1. Officers.
2. Development Officers.
3. Supervisors and clerical staff.
4. Subordinate staff

8. The Development Officers were classified separately both from officers on the one hand and supervisors and clerical staff on the other. The duties of the Development Officers are towards developing the business of corporation in the areas allotted to them and for that purpose to recruit active and reliable agents, to train them, to canvas new business and to render policies to service holders. He is expected to assist and inspire the agents. He has no supervisory control over the agents. He is expected to stimulate and excite agents to work while exercise no control over them. He is a whole time employee. In this way the principal job of the Development Officer is to promote the business of the corporation through the agents. He does not perform any technical duty. His job is neither clerical nor manual and the clerical work done by him forms a small fraction of work. In such a circumstance he cannot be held to be a workman as laid down by the Supreme Court in A. R. Adyanthaya case. Point No. 1 is answered accordingly.

9. Point No. 2: In view of my finding given on Point No. 1, the Development Officer is not a workman. Hence the provisions of I.D. Act, 1947 shall not be applicable in this case. The reference is accordingly held as bad in law. The Development Officer may seek his remedy through proper forum.

10. Copy of award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 9 फरवरी, 2001

का. आ. 446—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार नेशनल इन्श्योरन्स को. लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अन्वय में निर्विष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पटना के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8 फरवरी, 2001 को प्राप्त हुआ था।

[सं. एल-17012/72/96—आई आर (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 9th February, 2001

S.O. 446.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Patna as shown in the annexure in the Industrial Dispute between the employers in relation to the management of National Insurance Co. Ltd. and their workman, which was received by the Central Government on 8-2-2001.

[No. L-17012/72/96-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA

Reference No. 13(c) of 1997

Management of National Insurance Co. Ltd. Exhibition Road,

Patna and their workman Sri Krishna Kumar Das.

For the Management:

Sri Ram Chandra Lal Das, Advocate

For the Workman:

Sri Gajanan Arun, Advocate

Sri M. K. Upadhyay, Advocate

Sri Birendra Kumar, Advocate

PRESENT:

Sri S. K. Mishra, Presiding Officer, Industrial Tribunal, Patna.

AWARD

The 2nd February, 2001

The Central Government of India by notification No. I-17012/72/96-IR(B-II) dated 5-9-1997 have in exercise of powers u/s 10(1)(d) of the Industrial Disputes Act 1947 referred the following dispute between the Management of National Insurance Co. Ltd. Patna and their workman Sri Krishna Kumar Das to this Tribunal for adjudication:—

"Whether the action of National Insurance Co. in terminating the services of Sh. Krishna Kumar Das is justified? If not to what relief the workman is entitled?"

2. The case of the workman as has been made out in his written statement in brief is that his services under aforesaid Insurance Co. were terminated after 21 months of continuous service. He is a workman u/s 2(s) of the I.D. Act since 21-12-1976 and his termination amounts to retrenchment u/s 2(oo) of the I.D. Act. In order to cope-up the rush of work due to the introduction of different Insurance scheme the Management of National Insurance Co. decided to recruit nine part-time Assistants in Patna Division for being attached to the different Inspectorates of the Division. The age limit of the said recruitment was prescribed between 18 years to 26 years and the academic qualification was to be graduation from any recognised university. Typing knowledge was also necessary. In pursuance of the said decision the Divisional Office, Patna invited applications for appointment on the said post. As the petitioner was fulfilling all the requisites and on being motivated and assured of absorption permanently on a permanent post, he applied for the post on 21-12-1976 and interview was held and the petitioner having come out successful in the interview was appointed on 21-12-1976 as a part-time Assistant under the Muzaffarpur Branch of National Insurance Co. According to the terms of appointment the petitioner was required to work for 12 hours a week during the regular office hours of the Co. but it is said that full time work was taken from him. Besides several clerical nature of works, typing work was also taken from him. The services of the workman was very much appreciated by his superior authorities and as such he was given several continuous extensions for 21 months without any break in service with an assurance of permanent absorption in the Company. Out of nine part-time Assistants so appointed no one was an honours Graduate except the petitioner. At that time 26 years was the upper age limit for appointment in Government service but the petitioner

was not allowed to seek appointment in Government service by Insurance Co. under an assurance that he would be absorbed against the permanent post in the Company itself. When the petitioner was not absorbed in permanent service and his age for appointment in Government service expired the General Insurance Association Eastern Region, Patna Branch, a recognised Association affiliated to All India Insurance Employees Association took up the cause of the petitioner and other part-time Assistants with the Management. As the result, the Management assured to absorb all of them as permanent employees after taking a formal written test. The Management notified that a written test would be held on 23-7-1978 for absorbing the petitioner as permanent Typist. This was done by the Management with an assurance that the test would be of formal nature. The petitioner thereafter appeared in the said test. The Sr. Divisional Manager sent a letter to the A.G.M., Eastern Regional Office, Calcutta dated 19-8-1978 showing the name of the petitioner as one who had appeared at the written test. But in the subsequent letter dated 24-8-1978 of the Manager S. K. Dugar the petitioner was neither shown as a part-time Assistant working in the said Division nor one who had appeared in the aforesaid test. This letter completely ignored the case of the petitioner while other Assistants were made permanent. Thereafter the petitioner approached the Divisional Manager, Patna and he was assured that the mistake committed in the Regional Office would be corrected. When the petitioner did not get any letter of permanent absorption, he approached the Officer Incharge of the Branch who gave him certificate on 30-8-1978 that he had worked as part-time Assistant from 23-12-1976 to 29-8-1978 and had discharged his duties allotted to him satisfactorily. He further certified that the petitioner is honest, intelligent, sincere, well-behaved and hard-working and he would be an asset to the Company when taken in permanent cadre of the Co. The Sr. Manager also gave a certificate on 15-11-1978 that the petitioner had worked in the Company as part-time Assistant from 23-12-1976 to 29-8-1978 and his performance was satisfactory. On further query the petitioner was assured that he would be absorbed only when the criminal case bearing R.C. No. 11 of 1973 pending against him ended in his acquittal. Though the said criminal case pertained to the period when the petitioner was working under the General Insurance Society Ltd. and it had nothing to do for absorption of the petitioner in permanent post in the National Insurance Company, the petitioner waited for the said criminal case. Ultimately the petitioner was acquitted in the said criminal case from the court of 9th Additional Sessions Judge, Patna vide his order dated 17-6-1994. But in spite of the said acquittal the petitioner was not absorbed in the permanent service. His service was terminated with effect from 30-8-1978 without applying section 25F of the I.D. Act. Though the petitioner did not fail in the written test, his termination if on the ground of his failure would have amounted to retrenchment attracting the provisions of section 25F of the I.D. Act. At last the petitioner was compelled to file an application before the A.L.C.(c), Patna which resulted in the present Reference. In the circumstances the petitioner has prayed for a direction from this Tribunal for his absorption in the permanent service in the said Insurance Co. w.e.f. 29-8-1978 and for payment of all back wages due with 18 per cent interest thereof till the date of actual payment is made.

3. The case of the National Insurance Co., as it appears from their written statement in brief is that the petitioner does not come within the definition of workman u/s 2(s) of the I.D. Act. According to the Management the petitioner has filed his written statement which is highly misconceived, frivolous, and based on unfounded grounds. According to the Management the services of the workman could not be absorbed as he could not clear the written test. It was submitted that the question of motivation/assurance for permanent appointment of petitioner by the Company does not arise as they never considered him as an indispensable and suitable candidate. As per the condition of his appointment he was liable to be terminated at any time and it did not give any right or claim to any permanent post. It is denied that the petitioner worked for 12 hours in a week during the regular office hours. The petitioner did not contribute to any thing to be commended besides performing the duties assigned to him. In fact he hardly justified his performance to be worth considering. The Company can not be held responsible for the petitioner

exceeding the upper age limit for Government job. The non-consideration of the petitioner's case for absorption does not have any truck with the criminal case pending against him at that moment. He could not be accommodated because he failed to secure requisite marks in the written test. The petitioner was convicted and sentenced by the Special Judicial Magistrate, Patna on 13-12-1982 but he was acquitted by the Appellate court on 17-6-1994. However no reference either for conviction or for acquittal was made by the Management relating to the appointment of the Petitioner. The order of acquittal does not confer any right of appointment to the petitioner. According to the Management the petitioner was neither dismissed/discharged nor retrenched and so Section 25F of the I.D. Act is not applicable. The petitioner's fate had already been decided when he failed to qualify the test for his absorption in the regular cadre. The petitioner did not challenge the result where his name did not appear amongst the successful candidates at any stretch of time nor he staked his claim on the basis of the protection claimed in the I.D. Act. No relief can be granted to him at this belated stage. The criminal case was instituted by the C.B.I. and the Insurance Co. had no role to play so far the prosecution was concerned. The criminal case resulted in acquittal at the Appellate stage due to non-production of evidence. It was not an acquittal on merit. Moreover the petitioner cannot have any right of continuation in service on account of the said acquittal. The petitioner moved the Hon'ble Patna High Court under original writ application vide C.W.J.C. 5176 of 1995 and at the same time resorted to other remedy by filing a petition before the A.L.C., Patna for identical prayer. On being noticed the Management appeared before the learned A.L.C.(c), Patna. But during the proceeding before the A.L.C. the petitioner did not turn up resulting in the failure of the conciliation proceeding.

4. According to the Management the relief claimed by the workman is not at all admissible under the Scheme of appointment in the facts and circumstances of the case narrated above. The certificates relied by the petitioner do not confer any right of appointment to the petitioner. The certificates represent the whims and observation by unauthorised Officers in their individual capacity. In the facts and circumstances it is proved that the claim of the petitioner be dismissed under the Reference.

5. A rejoinder to the written statement of the Management has also been filed on behalf of the petitioner reiterating his case set out in his original written statement.

6. The following issues arise for determination in this Reference case :—

- (i) Whether the action of the National Insurance Co. in terminating the services of Sri Krishna Kumar Das is justified?
- (ii) If not, to what relief the workman is entitled to?

FINDINGS

7. Both the issues are interconnected and hence they are taken up together for consideration for the sake of convenience.

8. Two witnesses have been examined and certain documents have been filed and exhibited in the present case on behalf of the workman. The Management has neither examined any witness nor filed any document.

9. At first I would like to discuss the documents filed on behalf of the workman. Ext. 5 is the letter of the Sr. Divisional Manager, Patna Division, National Insurance Co. appointing Sri Krishna Kumar Das. It is dated 21-12-1976. It has been made clear in this appointment letter that the appointment will automatically come to an end at the end of six months from the date of appointment. The petitioner was appointed as a part-time Assistant. According to this appointment letter the petitioner would be paid a consolidated allowances which will be equal to 1/3rd of the basic pay D.A. house rent allowance and City compensatory allowance of regular Assistant at the commencement of the grade in the service of the Co. at Darbhanga. The petitioner was required to work for 12 hours in a week during the regular office hours of the Co. It was also made clear in the said appointment letter that it does not give any right or claim to the petitioner to any permanent post in the Co.

As per the last para of this appointment letter if the above terms and conditions are acceptable to the petitioner he was to return the duplicate copy of the letter of appointment duly signed by him to indicate that he has accepted all the terms and conditions mentioned therein. This letter of appointment bears the signature of the petitioner and also the Sr. Divisional Manager of the Co. Ext. 6 is the letter to the Sr. Divisional Manager, Patna dated 28-6-1977 extending the terms of appointment of this petitioner by 39 days subject to the same terms and conditions as laid down in the letter of appointment referred to above. Thus the term of appointment of the petitioner was extended upto 31st July, 1977. Ext. 6 series are other letters of the Insurance Company extending the term of appointment of the petitioner from time to time upto 29-8-1978 on the same terms and conditions. Ext. 7 in the letter of the management dated 6-7-1978 addressed to the petitioner. It relates to the question of consideration for employment of part-time Assistants in the cadre of typists. According to this letter employment in the cadre of full time Typist is subject to compliance of recruitment procedure of the Company and so it would be necessary for the petitioner to appear and qualify in a pre-recruitment written test to be held on 23rd of July, 1978. It is also mentioned in this letter that as per the recruitment procedure and having the petitioner qualified in the written test it would be necessary for him to appear in typing test, the date and place of which would be communicated to him in due course. This letter bears the signature of the petitioner also. Ext. 8 is a letter from the Assistant General Manager Regional Office of the Insurance Co. dated 31-7-1978 advising the Sr. Divisional Manager, Patna to extend the term of employment of six part-time Assistants including the petitioner upto 12-8-1978 on the same terms and conditions. In this letter it is also mentioned that one another part-time Assistant R. K. Singh did not appear at the test held on 23-7-1978 and hence his term could not be extended. Thus, this letter shows that the petitioner and 5 other part-time Assistants had appeared at the written test held on 23-7-1978. Ext. 4 is a letter from the Sr. Divisional Manager, Patna dated 19-8-1978 to the Eastern Regional Office, Calcutta informing that six part-time Assistants including the petitioner had appeared at the written test. Ext. 3 is a letter from Eastern Regional Office Calcutta to the Sr. Divisional Manager, Patna. It is dated 24-8-1978. This letter shows that five of the part-time Assistants secured the qualifying marks in the written test held on 23-7-1978. In this letter the name of this petitioner does not appear. The decision of the Company has been conveyed in this letter that the said five part-time Assistants who secured qualifying marks in the written test were found suitable for appointment. Ext. 1 is a certificate granted by Officer Incharge of the Darbhanga Branch Office dated 30-8-1978 stating therein that the petitioner worked in the Branch from 23-12-1976 to 29-8-1978 as part-time Assistant satisfactorily and that he is honest, intelligent, sincere, well-behaved and hard-working. It is also mentioned in the certificate that if he is taken in the permanent cadre he will be an asset to the Company. Ext. 2 is one another similar certificate granted by Sr. Divisional Manager of Patna Division. In this certificate it is stated that the performance of Sri Krishna Kumar Das was found very satisfactory.

10. Coming to the oral evidence adduced on behalf of the workman, W.W. 1 is Bhagirath Mishra. In his evidence he has stated that he was posted in the office of Darbhanga National Insurance Co. from July, 1977 to August, 1993 and that the workman Sri K. K. Das was working there before his joining. He has formally proved the certificates Exts. 1 and 2 and the letters Exts. 3 and 4. In cross-examination he has said that he was the Assistant Branch Secretary at Darbhanga of General Insurance Employees Association. The workman Krishna Kumar Das was not a member of the union because he was a part-time worker. The witness has admitted that his union has not been recognised by the Management. The witness further admitted in cross-examination that a charge memo had been issued against him with the allegation of submitting false I.T.S. bills of Rs. 2904 and that the competent authority had held-up his one increment. There was also an order for recovery of Rs. 2904 from him. His appeals before Regional Manager and also before CMD were dismissed. The witness has further admitted that after his retirement a penalty of censure was issued against him on several allegations. W.W. 2 Sri

Krishna Kumar Das is the concerned workman himself. In his deposition he has stated that earlier he was working as Agent under General Insurance Society Ltd., Patna till 1974. He applied for part-time Assistant in the National Insurance Co. when he came to learn about the advertisement. In his deposition he has however, not corroborated his claim as stated in his written statement that he had applied for the post on being motivated and assured of a permanent employment. In his deposition he has said that along with nine persons he was appointed as part-time Assistants after interview and that at the time of appointment they were given to understand that they would be absorbed on permanent basis, but the workman is silent as to who had given such assurance at the time of his appointment. The workman has not also said that his maximum age limit of Government employment expired since he was prevented from applying for any Government post. In his deposition the workman has also not corroborated his case that he had waited till the acquittal in the criminal case since he had been told that he would be considered for absorption after such acquittal. Thus the workman in his evidence has not explained as to why he raised the industrial dispute after lapse of so many years. In cross-examination he has said that he used to get 1/3rd of the salary of regular employee every month but according to his other witness W.W. 1 he was paid weekly. The witness has further admitted that he had filed writ petition before the Hon'ble High Court during the pendency of his case before A.L.C. The witness has said that the writ petition was dismissed in default. The xerox copy of the order of the Hon'ble High Court dated 5-1-2000 passed in C.W.J.C. No. 5176 of 1995 has been filed in this case. It shows that the writ petition was dismissed for non-prosecution.

11. The fact that Sri Krishna Kumar Das was a workman within the meaning of section 2(s) of the I.D. Act is not seriously challenged by the Management. It is also undisputed that National Insurance Co. Ltd. is an industry. It is also admitted that Sri Krishna Kumar Das worked as a part-time Assistant under the National Insurance Co. from 23-12-1976 to 29-8-1978. As per his appointment letter he was to work only 12 hours in a week. The claim of the workman that in spite of this term of his appointment he actually worked whole time every day has not been substantiated either by any documentary or oral evidence. It is also admitted that initially he was appointed for a period of six months. It was extended from time to time upto 29-8-1978. Thereafter his employment was not extended. According to the workman even if the termination is effected not by any voluntary action on the part of Employer such termination also becomes within the term 'retrenchment' within the meaning of section 2(oo) of the I.D. Act. In this connection he has relied on the decision of Patna High Court reported in 1984 P.L.J.B. page 612. In that case the Hon'ble High Court held that even if the certified standing orders of the Company prescribe automatic cessation of service of an employee who absents himself without leave the same will not make the provisions of the I.D. Act inapplicable. Further relying on the decision of our Patna High Court reported in 1992(1) P.L.J.B. 684 it was submitted on behalf of the workman that when the termination of service of the workman brought about without applying the provisions of section 25F of the I.D. Act, the normal rule is of direct reinstatement with full back wages.

12. Admittedly a written test was held for the consideration of absorption of part-time Assistants including the concerned workman and the result of the written test was not conveyed to any of the part-time Assistants. But the part-time Assistants who secured qualifying marks in the written test have been mentioned in the letter from Eastern Regional Office, Calcutta to the Sr. Divisional Manager, Patna (Ext. 3). In this list of successful candidates the name of the concerned workman is not mentioned. So it is deemed to mean that the concerned workman failed to secure the qualifying marks in the written test. This letter has been filed on behalf of the workman himself and so it is not open for the workman to say that he was unaware of the result of the written test. It is the emphatical case of the Management that as the concerned workman would not succeed in the written test, his services as part-time Assistant were not extended and he was not absorbed in the permanent post, and that the criminal case against the workman had nothing to do in this regard. The xerox copy of the judgement passed

by the Addl. Sessions Judge, Patna has been filed on behalf of the workman. It shows that the concerned workman was convicted in the lower court but he was acquitted by the Appellate Court. While acquitting the concerned workman the appellate court made an observation that the prosecution failed to prove its case beyond all reasonable and probable doubts. Thus apparently it was not a clean-cut acquittal and the workman was given the benefit of doubt by the Appellate Court.

13 Section 25F of the I.D. Act provides some conditions to be complied with before a workman who has been in continuous service for not less than one year can be retrenched by the Employer. The term retrenchment has been defined in section 2(oo) of the I.D. Act. The definition clearly does not include the termination of service of a workman as a result of non-renewal of a contract of the workman between the Employer and the workman concerned on its expiry. Ext. 5 is undoubtedly the contract of employment of the workman wherein the terms and conditions of the employment have in detail been mentioned. One of the conditions of the employment was that the appointment would automatically come to an end at the end of six months from the date of the appointment. It was also made clear in this contract of appointment that the appointment would not give the workman any right or claim to any permanent post in the Co. This contract of employment has been signed not only by a Senior Officer of the Company but also by the concerned workman Sri Krishna Kumar Das accepting the said terms and conditions of the employment. The employment has been extended from time to time upto 29-8-1978 on the same terms and conditions. The employment was not renewed or extended any further beyond 29-8-1978. So the non-extension of the employment can not be regarded as 'retrenchment' u/s 2(oo) of the I.D. Act and hence, section 25F of the I.D. Act is not applicable. It was therefore, not necessary for the National Insurance Co. to comply the requirements of section 25F while not renewing the employment. The Company had also no legal obligation to assign any reason for non-renewal of the contract of employment beyond 29-8-1978.

14. In view of my above discussion and consideration of facts and evidence of the case I decide that the action of National Insurance Co Ltd in terminating the services of the workman Sri Krishna Kumar Das was justified and hence the workman is not entitled to any relief. The Reference is accordingly answered.

15 This is my award

Dictated and corrected by me.

Sd/-

S. K. MISHRA, Presiding Officer

P O I.T., Patna

2-2-2001.

नई दिल्ली, 6 फरवरी, 2001

का. आ. 447—औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 17 के अन्वय में, केन्द्रीय सरकार साउथ सेंट्रल रेलवे के प्रबन्धन क्षेत्र के संयुक्त नियोजकों और उनके कर्मचारियों के बीच, अन्वय में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रबन्धन, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2001 को प्राप्त हुआ था।

[मं. एन-41012/133/99-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 6th February, 2001

S.O. 447.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award

of the Industrial Tribunal-I, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Central Railway and their workman, which was received by the Central Government on 5-2-2001.

[No. L-41012/133/99-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD.

PRESENT :

Sri Syed Abdullah, B.Sc., B.L.,
Industrial Tribunal-I.

Dated : 17th day of January, 2001
Industrial Dispute No. 61 of 1999

BETWEEN :

The Divisional President,
Dakshin Madhya Karmika Sangh,
9-2-586, Opp. : Joolamma Temple,
Vaidic Nagar, Regimental Bazar,
Secunderabad-500025. ... Petitioner

AND

1. The Chief Personnel Officer,
South Central Railway, Railnilayam
4th Floor, Secunderabad-500003.
2. South Central Railway,
The Divl. Rly. Manager (BG)
S. C. Railway Sanchalan Bhavan,
Secunderabad-500003. ... Respondents

APPEARANCES :

Petitioner in person.

Sri A. K. Jayaprakash Rao, Advocate for
Respondents.

AWARD

The Government of India, Ministry of Labour, New Delhi by its order No. L-41012/133/99-IR (B-I), dt. 23-9-1999 referred the following Industrial Dispute under Section 10(1)(d) and 2(A) of Industrial Disputes Act, 1947, for adjudication to this Tribunal :

"Is the Management of SC Railway, Secunderabad justified in not regularising the period of suspension of Sri B. V. Padmanaban, ASM when no major punishment is awarded to him? If not, to what relief the said workman is entitled?"

Both parties appeared and filed their respective pleadings.

2. The Divisional President of Dakshina Madhya Railway Karmik filed claims statement. Briefly the averments are as under : Sri B. V. Padmanabhan herein referred to as 'Petitioner', is presently working as O.S. II in the office of Senior DME/C&W/SC (BG) Office. While he was working as ASM-1 Ippaguda S.C. Divn. during June, 1971 he had an altercation with his colleague SM. The petitioner was prosecuted by Special Railway Magistrate, Kazipet and he was imposed with fine of Rs. 50. However the petitioner appealed. The II Addl. Munsif Magistrate, Warangal had acquitted the petitioner in its judgement delivered on 6-1-1975.

3. The petitioner was kept under suspension from 11-6-1971 till 24-9-1972. During the period of suspension, the petitioner was paid 50 per cent wages only. Though the suspension was revoked the period was not treated as duty. The petitioner filed WP No. 4339/72. The respondents admitted in the Writ Petition that suspension was raised and he is eligible according to rules. The petitioner regarding suspension in the Writ Petition, but directed the respondents to consider the petitioner's claim during the period of suspension if he is eligible according to rules. The petitioner gave representation in view of his acquittal by the Criminal Court. The authorities asked him to produce the court orders which he did. Yet there was no reply. Lastly on 22-11-93 the petitioner was informed that the administration does not want to re-open the case at the belated stage. He raised the dispute before the Regional Labour Commissioner (Central) and on the failure of the conciliation the matter was referred to for adjudication. The respondents did not take action to regularise the suspension period even though the Hon'ble High Court gave direction in this regard. Railway Board's letter No. E(D&A) 9 RG. -48 dt. 5-9-1970 is relevant in the present case and it was in force. In cases of this type suspension period is to be treated as duty if no benefit of doubt is accrued in the judgement concerned. Vide in Board's letter No. E(D&A)76 RG-6/92 dated 8-7-80 there is a direction that the suspension period is to be treated as duty unless there are court order convicting the employee. But in the present case the petitioner was acquitted by the Magistrate. No speaking order was passed by the Divl. Safe Officer, Secunderabad in this regard.

4. Section 120(B) of Indian Railway Act is a non-cognizable offence which reads as "If any person in any Railway carriage or upon any part of Railway (A) (b) commits any nuisance or act of indecency or uses abusive languages or or he shall be punished with a fine to an extent of Rs. 50." There was no moral turpitude on the part of the employee to treat as misconduct. The administration has withhold the

wages. Hence prayed to pass an award directing the respondents to treat the suspension period as duty period and to make payment of balance wages with all attendant benefits and facilities including increments, fixation of pay etc., which were denied all these 18 years and removing the entries about suspension in the service record in the interest of justice.

5. The respondents filed counter which is as under : The petition is not maintainable due to laches and it is barred by limitation. At the relevant time the competent authority treated the period as suspension only and at this distant date the relevant records, nothing and the decision of the competent authority are not available with the respondents. The claim was rejected way back in 1993 vide letter No. P/T. 500/DOP/93/BVP dt. 22-11-93 on the ground that it cannot be reopened as representation was made after lapse of 22 years and even before the Regional Labour Commissioner the same was pleaded. The employee was suspended for his altercation with his colleague and the Railway Magistrate convicted him and imposed a fine of Rs. 50. In the Writ Petition, it was directed to the authority to consider the period of suspension but not for the petitioner's claim for salary and other benefits during the period of suspension. According to rules, he is not entitled for back wages. Invoking the Rule 2044 B/1345 of Indian Railway Establishment Code Vol. II the competent authority had taken a decision treating the period of suspension as suspension only which is not a penalty, which the workman cannot question it. His latter acquittal cannot entitle him the back wages vide Judgement in Civil Appeal No. 13221/96 between the State of U.P. and Ved Pal Singh-1997(1) SLR Page 24. Hence prayed to dismiss the claim petition.

6. The point for adjudication is whether the respondents are justified in not regularising the suspension period of Sri B. V. Padmanabhan, even though no major punishment was imposed on him? If not, to what relief he is entitled?

7. The docket disclose that subsequent to filing of the counter by the respondent on 3-2-2000, the case was adjourned to from time to time for filing documents by the respondent. Though sufficient time was given no documents were filed. The matter stood posted to 10-8-2000, on which date there was no representation from the respondent. However to give one more chance, it was adjourned to 6-9-2000. On 6-9-2000 the workman was examined as WW1 who in his evidence has reiterated the factual aspects about suspension, his acquittal by the Magistrate passed under Sec. 247 Cr.P.C. for non-prosecution of the case by the respondent for the alleged offence attributed towards him. Through his evidence the documents were filed i.e. Ex.W1 copy of Judgement of Hon'ble High Court in WP

No. 4339/72 dt. 20-9-1974. Ex. W2 copy of order in C.C. No. 814/77 of II Addl. Munsil Magistrate of Warangal dt. 6-1-71 acquitting him. Ex. W3 circular instructing the authority about treatment of period of suspension in case the employee is acquitted of the criminal offence. Ex. W4 copy of the Railway Board's letter No. E(D&A)69 RG-6-48 dt. 5-9-1970 giving instructions to treat the period of suspension as duty in case of acquittal. Ex. W5 letter sent by the then MLA to the Railway Minister for showing indulgence in the matter. Ex. W6 Acknowledgement given by the Railway authorities. Ex. W7 copy of letter sent by the Department informing the petitioner to hand-over the judgement copy of the Criminal Court. Ex. W8 copy of the reply dt. 22-11-93 informing the petitioner that his request for 50 per cent of wages along with the consequential benefits was rejected. Ex. W9 copy of the counter dt. 24-3-98 filed by Divl. Mgr. Manager, Secunderabad before the ALC. Ex. W10 letter dt. 20-5-92 informing the workman herein to meet DPO in his chambers on 21-5-92 at 10.00 Hrs. without fail relating to his claim for wages.

8. The petitioner workman was not at all cross examined and so his evidence was closed and the case was posted for recording the evidence of the respondent on 18-9-2000. From 18-9-2000 the matter was again adjourned to 11-10-2000 at the request of the respondent's counsel. On 11-10-2000 the respondent's counsel sought time. Hence adjourned to 24-10-2000 for respondent's evidence. On 24-10-2000 on petition, WW1 was recalled and Ex. W10 was marked. For cross examination of WW1 and to adduce respondent's evidence the matter was posted to 30-10-2000. From 30-10-2000 the matter was again posted to 3-11-2000 for recording the evidence of the respondent. On 3-11-2000 as the respondent's counsel sought further time, so the matter was posted to 20-11-2000 finally. Again on 20-11-2000 the respondent's counsel failed to attend in the call work and when the matter was kept aside, the standing counsel was represented but not prepared to adduce evidence and sought further time which was denied. The petitioner filed written arguments in support of the contentions raised in the pending dispute. Though the case was reserved for passing an award on 20-11-2000 till this date the respondent has not taken any steps either to reopen the case or to adduce any evidence in support of the stand taken in the counter. So on the basis of the material on record the dispute is adjudicated on merits.

9. From the oral evidence of WW1, coupled with documentary evidence Exs. W1 to W10, the relevant facts emerge that the petitioner was kept under suspension from 11-6-1971 to 25-9-1972. It is only when the writ notice was served and by filing counter the respondent had taken the stand that the suspension imposed on the workman was

lifted by taking him into service. It is not disputed that in the Writ Petition, the Hon'ble High Court had directed the respondent to consider the petitioner's claim for the salary during the period of suspension. Ex. W1 order in WP No 4339/72 was passed on 20-9-1974. When the petitioner was acquitted of criminal charge, the period of suspension should be treated as duty and in this regard Ex. W3 and W4 Board's letters published in the Gazette are very much clear which was not followed which is nothing but breach of rules. The duty is cast upon the concerned authority to pass necessary orders immediately. Though the respondent in its letter dated NIL of July 1984 had directed the employee to submit a copy of the Criminal Court's Judgement, which was duly submitted under the original of Ex. W6 on 3-8-84, no action was taken keeping the matter under cold storage for a long time. While so once again by issuing Ex. W10 dt. 20-5-92 the employee was called upon to meet the concerned for settlement of the payment of wages for suspension period. Even at that stage the concerned authority failed to realise it. By negligence the concerned failed to issue necessary orders even though the employee was acquitted of alleged criminal charge. The concerned authority has no right whatsoever to treat the suspension period as suspension only. It is nothing but victimisation and unfair labour practice which was adopted in the case of employee herein. For a period of 20 years he was put to mental agony and also suffered financial loss in not paying the 50 per cent wages for the suspension period. Apart from it he suffered deficit of emoluments for non-fixation of the pay. Gross injustice was caused to the employee. Section 120-B of Indian Railway Act is to the effect that if an employee commits any nuisance at the workspot, he is to be imposed with punishment of fine of Rs. 50. It is not at all a moral turpitude and moreover when the fine amount has not exceeded 1/3rd of the salary it will not have any repercussion at all. The union has espoused the cause of the employee, as injustice was caused to the employee. The delay in raising the dispute as pleaded by the respondents is wholly untenable in the eye of law. In respect of Industrial Disputes Act, there is no limitation at all except where there are latches on the part of the workman in raising the dispute and that it would result in prejudice to the respondent. The law is settled on this aspect vide (1) Ajaib Singh's Case 1999(82) FLR, Page 137 (2) Mahavirsingh's Case 1999(82) F.L.R. Page 189. The workman herein was moving from pillar to post and he had also made a representation through the people's representative who sought the indulgence of the concerned Railway Minister. All these attempts have become futile and the respondent was of deaf-ear to act upon and discharge his legitimate duties. It is too much on the part of the respondent to say that the record at this distant of time is not available and the concerned officials have not attended this Tribunal to adduce evidence

which reflects utter disregard on the part of them. The evidence let in by the workman is sufficient to hold that he suffered injustice in the hands of the respondents. In spite of the clear cut rules and instructions, the concerned authority was adamant and reluctant to pass appropriate orders and discharge the duties under law. For the above said discussion, there is no hesitation to hold that the petitioner is entitled for relief.

10. In the result, an award is passed directing the respondents to treat the period of suspension of the employee Sri B. V. Padmanabhan from 11-6-1971 to 25-9-1972 as duty and he is entitled all the monetary benefits including 50 percent of back wages and refixation of pay right from the date of treating the period of suspension as duty. Further the respondents are directed to pay the monetary benefits and along with refixation of his pay by noting the entry of suspension period as duty period in his personal register. The above directions should be implemented within one month from the date of publication of this award.

Dictated to the Steno-typist, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal on this the 17th day of January, 2001.

SYED ABDULLAH, Industrial Tribunal-I

Appendix of Evidence :

Witness Examined for
Petitioner :

WW1 B. V. Padmanabhan

Witness Examined for
Respondent :

NIL

Documents marked for the Petitioner :

Ex.W1 Xerox Copy of the Order dt. 20-9-74 in W.P. No. 4339/72.

Ex.W2 Xerox Copy of the Order dt. 6-1-1971 in CC No. 814/71 of II Addl. Munsif Magistrate, Warangal.

Ex.W3 Xerox Copy of Circular No. 82/80 (Lr. No. P(R)227/41) dt. 25-7-80 about treatment of period of suspension in case of acquittal by a Court of law.

Ex.W4 Xerox Copy of Rly. Board's letter No. E(D&A)/69 RG 6-48 dt. 5-9-1970 about treatment of the period of suspension in cases of acquittal by a Court of law.

Ex.W5 Letter No. 0/79/SC dt. 9-2-1982 of V. Rama Rao.

Ex.W6 Letter dt. 3-8-1984 of B.V. Padmanabhan submitting Judgement copy of

II Addl. Munsif Magistrate to the authorities.

Ex.W7 Letter dt. July, 1984 from DRM|Secunderabad to B. V. Padmanabhan to send the judgement copy.

Ex.W8 Letter of General Manager dt. 22-11-93 to B. V. Padmanabhan informing that his case need not be reopened.

Ex.W9 Counter of Divl. Railway Manager, dt. 24-3-98 filed before the ALC(C) Hyderabad.

Ex.W10 Letter dt. 20-5-92 of Divl. Railway Manager to SS|SC to direct Mr. B.V. Padmanabhan to meet DPO|SC on 21-5-92.

Documents marked for the Respondents :

NIL

नई दिल्ली, 5 फरवरी, 2001

का. आ. 448—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबन्धन के संबंध में और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2001 को प्राप्त हुआ था।

[सं. एन.—40012/101/98—आई. आर. (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 5th February, 2001

S.O. 448.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal|Labour Court, Kanpur, as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Doorsanchar Vibhag and their workman, which was received by the Central Government on 5-2-2001.

[No. L-40012/101/98-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SRI R. P. PANDEY, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT SARVODAYA NAGAR, KANPUR

Industrial Dispute No. 85/1999

In the matter of dispute between :

Sri Rakesh Kumar Dubey
s/o Sri Shiv Nath Dubey
c/o Sri R. M. Shukla,
119/30 Naseemabad Himanchal Talkies,
Kanpur

AND

The Chief General Manager
Doorsanchar Vibhag
Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/101/98-IR(DU) dated 23-4-99 has referred the following dispute for adjudication to this tribunal—

Whether the action of the Doorsanchar Vibhag in terminating the services of Sri Rakesh Kumar Dubey is legal and justified? If not, to what relief the workman is entitled?

2. The concerned workman Sri Rakesh Kumar Dubey, has stated in his statement of claim that he was appointed on the post of driver of a Jeep on 11-11-96 and he worked continuously up to 8-3-88 without break in service under SDO Doorsanchar, Mainpuri. His work and conduct was always found satisfactory. The workman was appointed on a post of jeep driver which was still in existence and the workman was appointed against a regular post. The workman was refused work since 9-3-88 without any rhyme and reason and termination of his service w.e.f. 9-3-88 without any written order or without giving him notice, notice pay or retrenchment compensation was illegal. He was appointed on casual basis and was paid Rs. 19.50 paisa per day as wages and he completed for more than 240 days in a calendar year before the date of his termination. Thus his termination from service is violative of the provisions of Section 25F of the Act and is therefore, illegal and he is entitled to be reinstated in service with full back wages.

3. The management of Doorsanchar did not file written statement and none appeared from the side of the management hence the case proceeded ex-parte against the management.

4. The workman examined himself as WW1 and filed 10 documents marked Ext. W-1 to W-10 in support of his case.

5. I have heard the representative for the workman and have gone through the record of the case.

6. Sri Rakesh Kumar Dubey W.W1 stated on oath that he was appointed on the post of driver on 11-11-86 and he continuously worked on that post till 8-3-88. He clearly stated that no charge sheet was ever served on him and his superiors were

satisfied from his work. He stated that no notice or notice pay and retrenchment compensation was paid to him before termination of his services. He stated that he has filed documents in support of his case. The certificates Ext. W-1 to Ex. W-8 filed by him go to show that this workman continuously worked from 11-11-86 to 8-3-88 under SDO Telegraph as jeep driver without any break. These certificates were issued by SDO Telegraph, Mainpuri. The record shows that he was paid wages at the rate of Rs. 19.50 per day but that makes no difference so far as his status as employee of the telegraph department is concerned. In Chairman-cum-Managing Director Orissa Road Transport Company Limited and Ramesh Chandra Gaudar and another FLR 1995(70) 468, the Hon'ble Orissa High Court has held that there is no distinction between casual employee and regular employee and even a daily wage earner comes within the definition of workman. In view of law laid down in the case cited above I hold that the concerned workman come within the definition of workman as given under Industrial Disputes Act, and was entitled to get protection of the provisions of Section 25F of the Act.

7. From the un rebutted evidence of W.W. 1 and the documentary evidence which supports his case it is established beyond doubt that the concerned workman worked for more than 240 days before the date of termination of his service. Thus he was entitled to get protection of Section 25F of I.D. Act before his services were terminated by an oral order. The workman has stated that no notice, notice pay or retrenchment compensation as required under Section 25F of the Act was given to him before the termination of his services. I am, therefore, inclined to believe the testimony which goes un rebutted. I therefore, hold that termination of the service of the concerned workman is violative of the provisions of Section 25F of the Act and is therefore illegal and void. I, therefore, hold that the concerned workman shall be deemed to be in continuing in service and shall be entitled to get back wages.

8. In view of findings recorded above, I hold that the action of the management of Doorsanchar in terminating the services of Sri Rakesh Kumar Dubey is illegal and unjustified. I further hold that the concerned workman is entitled to be reinstated in service with full back wages on the post of Jeep Driver. The management is, therefore, directed to reinstate the concerned workman in service and to pay him full back wages within a period of three months from the date of publication of the award.

9. The reference made to this tribunal is answered accordingly.

Date 25th Jan. 2001

R. P. PANDEY, Presiding Officer

नई दिल्ली, 5 फरवरी, 2001

का.पा. 449—औद्योगिक विवाद अधिनियम, 1947 (1917 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डायरेक्टर, टेलीकॉम प्रोजेक्ट के प्रबंधन के संबंध में नियोजकों और उनके कार्मिकों के बीच, अनबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2001 को प्राप्त हुआ था।

[स.एल.-40012/345/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 5th February, 2001

S.O. 449.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jaipur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Director, Telecom Project and their workman, which was received by the Central Government on 5-2-2001.

[No. L-40012/345/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

अनुबन्ध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय,
जयपुर

प्रकरण संख्या.—सी. जी. आई. टी. / 12/2000

आदेश संख्या.—एल.-40012/345/99/आई.आर.
(डी.यू.)/10-2-2000

राकेश कुमार आत्मज श्री रतनलाल जी,
निवासी पी.एन.टी. कॉलोनी, भगत सिंह मार्ग,
क्वाटर नं. 8, गवर्नमेंट प्रेम के पीछे,
जयपुर।

—प्रार्थी-श्रमिक

बनाम

(1) जनरल मैनेजर, टेलीकॉम डिस्ट्रिक्ट,
संचार विभाग, जयपुर।

(2) निदेशक (टेलीकॉम प्रोजेक्ट)
फर्स्ट फ्लोर, अमानिटी ब्लॉक, जी.एम.डी. काम्प्लेक्स,
जी.पी.ओ. के सामने, एम.आई.रोड, जयपुर।

—अप्रार्थी-मालिक

उपस्थित —

प्रार्थी की ओर से

श्री सुरेन्द्र सिंह

अप्रार्थी की ओर से

श्री एस.एस. हसन

पंचाट दिनांक 10-11-2000

पचाट

केन्द्रीय सरकार के द्वारा निम्न विवाद, औद्योगिक विवाद
अधिनियम, 1947 (जिसे बाद में अधिनियम 1947 कहा

गया है) की धारा 10 की उपधारा (1) के खण्ड-डी
व उपधारा 2-ए के प्रावधानों के अन्तर्गत न्याय निर्णय
हेतु प्रेषित किया गया —

“Whether the action of the Director, Telecom Project, Jaipur in terminating the services of Sh Rakesh Kumar, Safai Karamchari w.e.f 3-10-97 is legal and justified? If not, to what relief the workman is entitled?”

प्रार्थी की ओर से स्टेटमेंट ऑफ क्लेम प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि उसकी नियुक्ति अप्रार्थी-मालिक-प्रबन्धकण के अधीन पार्ट टाइम स्वीपर के पद पर फरवरी, 1990 में हुई व उसने दिनांक 31-8-1997 तक कार्य किया। उसे दिनांक 1-9-97 को सेवामुक्त किए जाने के संबंध में नोटिस दिया गया, जिसके अनुसार उसकी सेवा दिनांक 3-10-97 को समाप्त कर दी गई। उसने अप्रार्थी-मालिक के अधीन 240 दिन से अधिक कार्य किया था। उसकी सेवा समाप्त करने से पूर्व अधिनियम 1947 की पूर्ण रूप से पालना नहीं की गई। उसमें कनिष्ठ व्यक्तियों ओमप्रकाश व दिनेश कुमार को सेवा में रखा। इस प्रकार अप्रार्थी-मालिक ने अधिनियम 1947 की धारा 25-एफ, जी व एच की अवहेलना की। प्रार्थना की गई कि उसकी सेवामुक्ति के आदेश दिनांक 1-9-1998 को अवैध, प्रभाव शून्य घोषित किया जाए व सेवा की निरन्तरता रखने हुए समस्त वेतन, भत्ते दिलाए जाएं।

अप्रार्थी-मालिक ने जवाब में उल्लेख किया कि अप्रार्थी का संस्थान “उद्योग” की परिभाषा में नहीं आता व प्रार्थी “कर्मकार” की परिभाषा में नहीं आता है। क्लेम में यूनियन ऑफ इण्डिया आवश्यक पक्षकार है, जिसे पक्षकार नहीं बनाया गया व इस कारण क्लेम खारिज होने योग्य है। यह भी उल्लेख किया गया कि प्रार्थी को केवल चार घण्टे स्वीपर का कार्य करने हेतु रखा गया था व बाद में सफाई का कार्य मैसर्स मुल्कम इण्टरनेशनल लिमिटेड को दे दिया गया व इस कारण प्रार्थी के कार्य की आवश्यकता नहीं रही व उसकी सेवा दिनांक 3-10-97 से समाप्त कर दी गई, जिस बाबत प्रार्थी को नोटिस दिया गया व उसे सलाह दी गई थी कि छटनी का मूआवजा वह कार्यालय से प्राप्त कर ले। प्रार्थी ने 1 वर्ष में 240 दिन कार्य नहीं किया था व एक दिन में केवल चार घण्टे कार्य किया था। छटनी का मूआवजा दिनांक 7-10-97 को प्रार्थी को जरिए मनीग्रार्डर भेजा गया, जिसे प्रार्थी ने स्वीकार करने में मना कर दिया व अस्वीकार कर दिया, जो लौटकर प्राप्त हो गया। प्रार्थी को जुलाई, 97 का वेतन भी बालचर दिनांक 15-10-97 के द्वारा भेजा गया था। ओमप्रकाश व दिनेश कुमार का विभाग के दूसरे संस्थान में कार्यरत होने का उल्लेख किया गया व इस कारण उनका प्रार्थी में कनिष्ठ होने का प्रश्न उत्पन्न न होता बताया।

पक्षकारों के अभिकारों के आधार पर निम्नांकित विवाद बिन्दुओं की रचना की गई —

- (1) क्या विपक्षी संस्थान औद्योगिक विवाद अधिनियम, 1947 की धारा 2-जे में दी गई परिभाषा के अनुसार "उद्योग" नहीं है व प्रार्थी "कर्मकार" नहीं है ?
- (2) आया यूनियन ऑफ इण्डिया प्रकरण में आवश्यक पक्षकार है ?
- (3) आया विपक्षी के द्वारा प्रार्थी की सेवा समाप्ति औद्योगिक विवाद अधिनियम, 1947 की धारा 25-एफ एवं जी का उल्लंघन कर की गई है ?
- (4) प्रार्थी किस सहायता को प्राप्त करने का अधिकारी है ?

प्रार्थी की ओर से क्वेम के समर्थन में स्वयं का अपय-पत्र प्रस्तुत किया गया, जिस पर प्रतिपरीक्षा करने का अवसर अप्रार्थी के अधिवक्ता को दिया गया। प्रार्थी की ओर से प्रलेखीय साक्ष्य में प्रतिलिपि प्रमाण-पत्र प्रदर्श डब्ल्यू-1, प्रतिलिपि नोटिस प्रदर्श डब्ल्यू-2, प्रतिलिपि आदेश केन्द्रीय प्रशासनिक अधिकरण प्रदर्श डब्ल्यू-3, प्रतिलिपि पत्र असिस्टेंट डाईरेक्टर जनरल प्रदर्श डब्ल्यू-4 व डब्ल्यू-5 प्रस्तुत किए।

अप्रार्थीगण की ओर से जे पी. राजपूत, एस. डी. ई. का अपय-पत्र प्रस्तुत किया गया, जिस पर प्रतिपरीक्षा करने का अवसर प्रार्थी के अधिवक्ता को दिया गया। प्रलेखीय साक्ष्य में नोटिस की प्रतिलिपि प्रदर्श आर-1, प्रतिलिपि स्वीकृति आदेश प्रदर्श आर-2, प्रतिलिपि प्राप्ति रसीद प्रदर्श आर-3, प्रतिलिपि मनीआर्डर प्रेषित करने की रसीद प्रदर्श आर-4, प्रतिलिपि अनुबंध मुलभ इंटरनेशनल प्रदर्श आर-5 प्रस्तुत की गई।

बहस सुनी गई एवं गवावली का अलोकन किया गया।

बनाये गये विवाद बिन्दुओं का विनिश्चय निम्न प्रकार किया जाता है :—

बिन्दु संख्या 1 व 2.—अप्रार्थीगण के विद्वान अधिवक्ता ने इन बिन्दुओं पर जोर नहीं दिया है, अतः उक्त बिन्दुओं का विनिश्चय अप्रार्थी के विरुद्ध किया जाता है।

बिन्दु संख्या 3.—यह विवादित नहीं है कि प्रार्थी ने फरवरी, 90 से 31-8-97 तक लगातार वतौर पार्ट टाइम स्वीपर का कार्य किया व सेवा समाप्ति के पूर्व के वर्ष में उसने 240 दिन कार्य किया है। विचार यह करना है कि क्या प्रार्थी की सेवा समाप्ति अधिनियम 1947 की धारा 25-एफ एवं जी का उल्लंघन कर की गई है ?

यह विवादित नहीं है कि प्रार्थी की सेवा समाप्ति में पूर्व नोटिस दिनांक 1-9-97 दिया गया था, जिसके द्वारा प्रार्थी की सेवा समाप्ति दिनांक 3-10-97 में की गई है। नोटिस में यह भी उल्लेख किया गया था कि जी एम टी.

डी. कैम्पस के सफाई का कार्य मैसर्स. मुलभ इंटरनेशनल जयपुर को दिया गया है, इस कारण पार्ट टाइम स्वीपर की कार्यालय में आवश्यकता नहीं है। यह भी उल्लेख किया गया था कि छटनी का मुख्यालय वह कार्यालय में प्राप्त कर सकता है। प्राया के विद्वान अधिवक्ता का तर्क है कि प्रार्थी को उसकी सेवा समाप्ति से पूर्व छटनी का मुख्यालय नहीं दिया गया। अप्रार्थी के द्वारा प्रार्थी को सूचित करना कि छटनी का मुख्यालय कार्यालय से प्राप्त करने, अधिनियम 1947 की धारा 25-एफ के खण्ड-बी के अनुसार पर्याप्त नहीं है। उन्होंने अपने तर्क के समर्थन में 1993 -III- एल. एल. जे. पृष्ठ 671 (बाम्बे) आर. डी. पिल्लई बनाम इण्डियन डाईस्टिंग इण्डस्ट्रीज लिमिटेड, 1997 -III- एल. एल. जे. 439 (राजस्थान) ओमप्रकाश रंगर बनाम स्टेट ऑफ राजस्थान, 1994 (69) एफ एल. आर. पृष्ठ 31 गिरिश कुमार जैन बनाम यूनियन ऑफ इण्डिया व अन्य, 1998 I-एल. एल. जे. पृष्ठ 186 रूपनारायण शुकला बनाम पीठासीन अधिकारी, औद्योगिक अधिकरण, हरियाणा व अन्य का उद्धृत किया है। दूसरी ओर अप्रार्थीगण के विद्वान अधिवक्ता ने 1972 डब्ल्यू. एल. एल. (पार्ट-1) 530 भगलाल बनाम स्टेट ऑफ राजस्थान, 1992 (3) पृष्ठ 285 विनेश कुमार बनाम यूनियन ऑफ इण्डिया का उद्धृत करते हुए तर्क दिया है कि प्रार्थी की छटनी से पूर्व छटनी का मुख्यालय कार्यालय में प्राप्त करते हेतु प्रस्ताव करना पर्याप्त है, मुख्यालय का वास्तव में भुगतान किया जाता आवश्यक नहीं है।

अधिनियम 1947 की धारा 25-एफ का खण्ड-बी निम्न प्रकार है :—

"25.F Conditions precedent to retrenchment of workmen.—No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

(a)*

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen day's average pay (for every completed year of continuous service) or any part thereof in excess of six months; and"

प्रार्थी के विद्वान अधिवक्ता के द्वारा उद्धृत न्याय दृष्टान्त आर. डी. पिल्लई के मामले में बम्बई उच्च न्यायालय ने यह अभिनिर्धारित किया है कि कैशियर से राशि प्राप्त करने के निर्देश के साथ सेवा समाप्ति अधिनियम 1947 की धारा 25-एफ की पालना नहीं होती। ओम प्रकाश रंगर के मामले में राजस्थान उच्च न्यायालय के द्वारा यह अभिनिर्धारित किया गया है कि अधिनियम 1947 की धारा 25-एफ अप्रतिपक्ष है। दिनेश कुमार जैन के मामले में नोटिस के बदले में वेतन व छटनी के मुख्यालय

की राशि कम पाई गई, अधिनियम, 1947 की धारा 25-एफ के खण्ड ए व बी का उल्लंघन करना पाया गया। रूपनारायण शुक्ला के मामले में पंजाब हरियाणा उच्च न्यायालय ने यह अभिनिर्धारित किया कि कर्मकार को यह सूचित किया जाना कि वह अपनी राशि कार्यालय से प्राप्त कर ले, अधिनियम 1947 की धारा 25-एफ के खण्ड-ए व बी की पर्याप्त पालना नहीं पाई गई। अप्राचींगण के विद्वान अधिवक्ता के द्वारा उद्धृत न्याय दृष्टान्त भंवरलाल बनाम स्टेट ऑफ राजस्थान के मामले में नोटिस बोर्ड पर पिटीशनर को सूचित किया गया था कि वह छंटनी का मुद्रावजा प्राप्त कर ले, परन्तु वह छंटनी का मुद्रावजा लेने कार्यालय नहीं पहुंचा। उक्त मामले में अधिनियम 1947 की धारा 25-एफ के खण्ड-बी की पर्याप्त पालना मानी गई। दिनेश कुमार के मामले में यह अभिनिर्धारित किया गया है कि अधिनियम 1947 की धारा 25-एफ, बी की पालना हेतु छंटनी का मुद्रावजा कर्मकार को व्यक्तिगत रूप से अथवा मनीआर्डर अथवा बैंक ड्राफ्ट से भेजा जाना अधिनियम 1947 की धारा 25-एफ के खण्ड-बी की पर्याप्त पालना है। उक्त मामले में 1976-II-एल. एल. जे. पृष्ठ 25 राजस्थान कैनाल प्रोजेक्ट बनाम राजस्थान कैनाल राष्ट्रीय मजदूर, यूनियन को उद्धृत किया गया, जिसमें राजस्थान उच्च न्यायालय ने अभिनिर्धारित किया है कि नियोजक के द्वारा केवल मात्र छंटनी का मुद्रावजा देने के लिए तैयार होना पर्याप्त नहीं है व या तो संबंधित कर्मकार को छंटनी का मुद्रावजा का प्रस्ताव किया जाना चाहिए अथवा वास्तव में भुगतान किया जाना चाहिए। इस प्रकार यह तो विवादित नहीं है कि अधिनियम 1947 की धारा 25-एफ का खण्ड-बी आज्ञापक है। नोटिस एक्जीविट आर-1 में यह तो उल्लेख किया गया है कि छंटनी का मुद्रावजा प्रार्थी कार्यालय से प्राप्त कर ले, छंटनी के मुद्रावजे का उल्लेख नहीं किया गया है। भंवरलाल बनाम स्टेट ऑफ राजस्थान के मामले में ऐसा नहीं है कि नोटिस बोर्ड पर छंटनी की राशि का उल्लेख नहीं किया गया हो। आर. डी. पिल्लई के मामले में यह अभिनिर्धारित किया गया है कि अधिनियम, 1947 की धारा 25-एफ की पालना सारभूत रूप से मानी जा सकती है, यदि छंटनी के पत्र में यह उल्लेख किया जाए कि कर्मचारी किस राशि को प्राप्त करने का अधिकारी है व प्रस्ताव बिना किसी शर्त के हो। यह भी उल्लेख करना उचित होगा कि क्षतिपूर्ति की राशि अप्रार्थी के कार्यालय द्वारा दिनांक 3-10-97 को स्वीकृत की गई है, जिसकी प्रति कर्मकार को पृष्ठांकित की गई है व प्रार्थी की सेवाओं की छंटनी के पश्चात् मनीआर्डर की राशि भेजी गई है, जो कि प्रार्थी ने प्राप्त नहीं की। प्रार्थी को छंटनी के दिन तक मुद्रावजे की राशि प्रेषित नहीं की गई। मेरी राय में उक्त परिस्थितियों में अधिनियम 1947 की धारा 25-एफ के खण्ड बी की पर्याप्त पालना होना नहीं पाया जाता व अधिनियम 1947 की धारा 25-एफ का उल्लंघन कर प्रार्थी की सेवा समाप्ति करना प्रमाणित है।

प्रार्थी का कथन है कि ओम प्रकाश व दिनेश कुमार जो उससे कनिष्ठ थे, अप्रार्थी के अधीन कार्यरत थे। विपक्षी की ओर से जे. पी. राजपूत, एस. डी. ई. का कथन है कि प्रार्थी डाइरेक्टर टेलीकॉम प्रोजेक्ट के अधीन नियोजित था, जो कि सी. जी. एम. जयपुर के अधीन नहीं है व विभाग का पृथक संस्थान है। प्रार्थी का कथन है कि उससे कनिष्ठ ओम प्रकाश व दिनेश कुमार जी. एम. टी. डी. के अधीन कार्य कर रहे हैं। जे. पी. राजपूत का कथन है कि जी. एम. टी. डी. का नियन्त्रण डाइरेक्टर टेलीकॉम प्रोजेक्ट पर नहीं है, अतः ओम प्रकाश व दिनेश कुमार को अप्रार्थी संस्थान में कार्यरत होना नहीं कहा जा सकता, जिसमें कि प्रार्थी कार्यरत था। अतः इन परिस्थितियों में अधिनियम 1947 की धारा 25-जी के प्रावधान आकृष्ट नहीं होते।

बिन्दु संख्या 4:—अधिनियम, 1947 की धारा 25-एफ का उल्लंघन होने के कारण प्रार्थी की सेवा समाप्ति विधिक नहीं कही जा सकती, प्रार्थी को सेवा समाप्ति दुर्भाग्यपूर्ण भी नहीं कही जा सकती जब कि अप्रार्थी द्वारा सफाई कार्य प्राइवेट एजेन्सी सुलभ इन्टरनेशनल लिमिटेड को दे दिया गया है। प्रार्थी ने स्वयं ने स्वीकार किया है कि अप्रार्थी के कार्यालय में कोई अन्य सफाई कर्मचारी कार्य नहीं करता व सुलभ इन्टरनेशनल लिमिटेड ही कार्य करती है। उपरोक्त परिस्थितियों में यद्यपि प्रार्थी की सेवा समाप्ति विधिक होना प्रमाणित नहीं है, परन्तु उसे सेवा समाप्ति होने के पश्चात् पुनः स्थापित किया जाना उचित प्रतीत नहीं होता। 1997-II-एल. एल. जे. पृष्ठ 1008 रिक्कोल्ड कैमिकल्स इण्डिया लिमिटेड, मद्रास बनाम बर्कमैन, रिक्कोल्ड कैमिकल्स इण्डिया लिमिटेड व II एडीशनल सेबर कोर्ट, मद्रास के मामले में कर्मचारों की सेवा समाप्ति दुर्भाग्यपूर्ण के आशय से नहीं की गई थी, परन्तु प्राइवेट एजेन्सी को कार्य सौंपे जाने के कारण की गई थी। अम न्यायालय को निर्देश दिया गया था कि इस बिन्दु पर विचार किया जाये कि क्या सेवा में पुनः स्थापन के स्थान पर क्षतिपूर्ति दिलाई जा सकती है व सेवा में पुनः स्थापन का आदेश निरस्त कर दिया। प्रार्थी पार्टी टाईम स्वीपर का कार्य कर रहा था व सफाई कार्य सुलभ इन्टरनेशनल लिमिटेड कम्पनी को सौंपा जाना सम्भाविक था। उक्त परिस्थितियों में प्रार्थी को सेवा में पुनः बहाल किए जाने के बजाय प्रार्थी को मुद्रावजा देना उचित प्रतीत होता है। मेरी राय में प्रार्थी को 10,000 रुपये की राशि बतौर क्षतिपूर्ति दिलाया जाना उचित प्रतीत होता है। अतः अप्रार्थी संख्या-2 को निर्देश दिया जाता है कि वह प्रार्थी को अन्दर 3 माह में 10,000/- रुपये की राशि बतौर क्षतिपूर्ति अदा करे। क्षतिपूर्ति की राशि उक्त अवधि में अदा न किये जाने पर प्रार्थी उक्त अवधि के पश्चात् उक्त राशि पर 10 (प्रतिशत) की दर से ब्याज की राशि प्राप्त करने का अधिकारी होगा।

पंचाट की प्रतिलिपि केन्द्रीय सरकार को अधिनियम 1947 की धारा 17 की उपधारा (1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जाये।

ह.

पीठासीन अधिकारी

नई दिल्ली, 5 फरवरी, 2001

का. आ. 450—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार केन्द्रीय हिन्दी इन्स्टिट्यूट के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, प्रत्यक्ष में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-2-2001 को प्राप्त हुआ था।

[मं. एल-42012/69/97-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 5th February, 2001

S.O. 450.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kendriya Hindi Institute and their workman, which was received by the Central Government on 5-2-2001.

[No. L-42012/69/97-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SRI R. P. PANDEY, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
SARVODAYA NAGAR, KANPUR

I.D. No. 231 of 1997

In the matter of Dispute between :

Sri Mukesh Kumar Sharma,
S/o Sri Babu Lal Sharma,
(Judge Sahib Ki Gali),
House No. 1/38, Nola Pipal Mandi,
Agra, U.P.

AND

The Director,
Kendriya Hindi Institute,
Hindi Sansthan Marg,
Agra, U.P.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its notification No. L-42012/69/97/IR(DU) dated 18th November, 1997 has referred the following dispute for adjudication to this tribunal—

Whether the action of the management of Director, Central Hindi Institute, Agra, in terminating the services of Shri Mukesh Kumar Sharma, casual daily wages employee w.e.f. 12-9-96 is legal and justified? If not, to what relief is the workman entitled to?

2. The workman has stated in his statement of claim that he was employed as a peon in Kendriya Hindi Sansthan, Agra, (hereinafter referred to as Sansthan for the sake of brevity) on 22-7-91. He worked for 240 days in the year 1991 and 312 days in the year 1995. He was engaged as a daily wages and was paid Rs. 28 per day as wages. Under the orders of Government of India dated 12-7-94, the daily

wages were enhanced from Rs. 28 to Rs. 34 per day w.e.f. 1-11-94. On the demand made by the workman the management of Sansthan made payment of the arrears of wages at the enhanced rate under its order dated 2-7-96, a copy of which is enclosed with the statement of claim. The services of the workman were terminated w.e.f. 12-9-96 illegally without giving any notice or notice pay and retrenchment compensation, hence termination of his services made by the management of the Sansthan is illegal and is liable to be quashed. The management allowed junior employees to continue in the work and the services of the workman were terminated hence his termination from service is illegal on this ground also. When on the oral request the workman was not taken in service he gave a written notice dated 22-10-96 to the management. Gajendra Singh and Rajesh who were juniors to the workman are working in the Sansthan and the services of the concerned workman have been terminated illegally. On the basis of these allegations he prayed that he be reinstated in service with back wages.

3. The management of the sansthan has filed written statement with the contention that Mukesh Kumar Sharma was for the first time engaged as a daily wages in April, 1994 and he was not employed in the Sansthan before that date. In the year 1994 the workman was getting Rs. 18 per day and his daily wages were increased from Rs. 18 to Rs. 28 per day w.e.f. November, 1994. When the wages were further enhanced the workman was paid arrears amounting to Rs. 2286 vide order dated 2-7-96 for the period 1-11-94 to 31-12-95. The concerned workman was kept as temporary hand from time to time in the leave vacancy of permanent peons. There are about 17 permanent peons and when there was any leave vacancy the concerned workman was engaged as a daily wages to meet the temporary need of the Sansthan. The management never appointed the concerned workman against any substantive post or sanctioned post. He was a daily wage earner and his services automatically came to an end. He was engaged for certain casual and urgent work and was paid accordingly the daily wages for the casual work according to the rate fixed by the Government of India. The case of the concerned workman falls under clause (bb) of Section 2(o) of the Act, because the services of the workman came to an end due to non renewal of contract of employment between the employers and the concerned workman. Even otherwise according to the latest view of Hon'ble Supreme Court of India a temporary daily wage earner has no right to the post as his appointment was not against any substantive post. Gajendra Singh and Rajesh whose names were mentioned by workman in his statement of claim were temporary daily wage earner sweepers, hence they cannot be treated junior to the concerned workman who was a peon. Their services were also dispensed with at the same time when the concerned workman was not engaged and Rajesh was working in the Canara Bank within the premises of Sansthan. It has been alleged that the Sansthan does not come within the definition of Industry and benefit of Industrial Dispute Act, cannot be extended to the concerned workman. It has been prayed that the reference made to this tribunal be decided against the workman and in favour of the management.

4. The concerned workman has filed rejoinder in which he has reiterated the facts alleged by him in the statement of claim. He has further alleged that it is for the management to prove that the concerned workman was engaged in the leave vacancies of other peons and was not posted against a substantive post.

5. The workman has examined himself as W.W.1 and filed 3 documents marked ext. W-1 to W-3 in support of his case. The management examined Sri Ram Behari Lal Srivastava, M.W.1 in support of its case.

6. I have heard the representatives for both the parties and have gone through the record of the case. The representative for the workman has argued that Sri Mukesh Kumar Sharma the concerned workman had worked for more than 240 days before the date of his termination, hence he was entitled to get the benefit of Section 25F of the Act and termination of his services dated 12-9-96 is illegal and he is entitled to be reinstated in service. On the other hand the contention of the management is that Mukesh Kumar Sharma was never appointed against any post and he was never selected for any post of peon through selection made

according to the rules and he was engaged only as a casual daily wage in the leave vacancies of peons, hence his disengagement for want of work cannot be held to be illegal and he is not entitled to be reinstated in service. After going through the record of the case I find force in the contention of the management.

7. The reference order itself shows that the concerned workman was a casual daily wage employee. Sri Ram Behari Lal Srivastava, Incharge of the Sansthan clearly stated on oath that the concerned workman was engaged in the leave vacancies of the peons on daily wage basis and when there was no work he was disengaged from the work. He stated that his attendance was marked in the attendance register and the wages were paid to him as casual worker on the basis of his attendance in the attendance register. He stated that there were 17 regular peons in the Sansthan and whenever any peon went on leave the concerned workman was engaged in leave vacancy of that peon. The concerned workman did not state in his statement on oath that he was not engaged in the leave vacancy. He has not stated that he was ever selected for the post of peon after appearing for selection along with other eligible candidates. He stated in his cross examination that he was not a daily wage. But his statement on this point appears to be false and baseless. He has filed document which is marked Ext. W.2, wherein his name is mentioned at serial No. 1. This order shows that it contains the names of daily wagers. This document support the case of the management that Sri Mukesh Kumar Sharma was a daily wage and was not a regular employee of the Sansthan. This shows that the concerned workman has no respect for the truth and he can tell lie to save his purposes. It is notable that a joint inspection of the records of the Sansthan was made by the authorised representatives of both the sides and that joint inspection report Ext. M.1 is on record. In the end of this report it is clearly mentioned that the concerned workman Mukesh Kumar Sharma was engaged whenever any employee went on leave. This joint inspection report further shows that the concerned workman did not work as a regular employee but he was a daily wage earner and he worked for 21 days in February 1996, and for 10 days in the month of March 1996 and for one day in April, 1996. He had worked for 5 days in the month of July, 1996. This report also supports the contention of the management that the concerned workman was engaged in the leave vacancies of the peons any whenever there was no work he was not engaged by the officers of the Sansthan to serve the Sansthan. The concerned workman has admitted that no appointment letter was ever issued to him and no order of termination was passed against him. It has come in evidence of M.W.1 that the Sansthan was Central Government undertaking. Thus it is evident that the Sansthan comes within the definition of STATE as defined under Article 12 of the Constitution of India and if any appointment is made against a post in this Sansthan then all eligible candidates who apply for the post should be considered before any appointment is made against any post in the Sansthan. There is nothing on record to show that any such post was ever advertised by the Sansthan and the concerned workman was ever selected for such post from amongst other eligible candidates. Thus his alleged appointment does not appear to have been made according to the rules and he could not get the status of an employee of Sansthan by being engaged as daily wage in the casual vacancies and was not entitled to get protection of the provisions of Section 25F of the Act. In a similar case of Himanshu Kumar and another versus State of Bihar 1997 (76) FLR 237 Hon'ble Supreme Court of India has held as under—

Admittedly they were not appointed to the posts in accordance with the rules but were engaged on the basis of need of work. They are temporary employees working on daily wage. Under these circumstances, their disengagement from service cannot be construed to be a retrenchment under the Industrial Disputes Act. The concept of 'retrenchment', therefore, cannot be stretched to such an extent as to cover these employees. Since they are only daily wage employees and have no right to the posts their disengagement is not arbitrary.

The law laid down in the case cited above fully applies to the facts of the present case. In view of the above observations of the Hon'ble Supreme Court, I hold that disengagement of the concerned workman for want of work cannot be held to be retrenchment and the concerned workman

is not entitled to get protection of the provisions of Section 25F of the Act.

8. The authorised representative for the management has argued that the Sansthan is not an Industry, hence the provisions of I.D. Act, do not apply to its employees. After going through the record of the case, I do not find any force in this contention. Management witness admitted in his cross examination that Sansthan was an Educational Institution and it had employed more than 17 peons. In Bangalore Water Supply and Sewage Board versus A. Rajappa 1978 (2) SCC 213 the Hon'ble Supreme Court has held that an University, College or Research Institute or Teaching Institution will be Industry and its employees other than teachers shall be entitled to get protection of the I.D. Act. I, therefore, hold that the Sansthan comes within the definition of Industry as defined under the I.D. Act.

9. The authorised representative for the workman has argued that junior to the concerned workman have been retained in service, hence the termination of the service of the concerned workman is illegal being in violation of the provisions of Section 25G of the Act. After going through the record of the case, I do not find any force in this contention. Mukesh Kumar Sharma W.W.1 stated that Rajesh and Gajendra were junior to him and have been retained in service. The case of the management is that Gajendra and Rajesh were sweepers and they could not be treated as junior to the concerned workman who was engaged in the leave vacancy. The statement of the workman that Gajendra and Rajesh were not sweepers appears to be false and baseless. Even in the joint inspection report Gajendra and Rajesh have been shown as sweepers and they worked as sweepers on daily rate basis and were paid accordingly. Hence the concerned workman could not get any benefit of the engagement of Rajesh and Gajendra as sweeper in the Sansthan because they belong to a separate class and are not comparable to the concerned workman.

10. The case of the concerned workman is that he worked for 240 days before the date of his termination. The case of the management as pleaded in its written statement and as has been mentioned in the statement of M.W.1 is that the concerned workman worked only for 112 days in the year 1996. The workman has not adduced any evidence to show that he worked 240 days in the year 1996. The authorised representative for the management has argued that even if a daily wage casual worker has completed 240 days in the service he cannot get the benefit of Section 256F of the Act. He has drawn my attention towards law laid down by the Hon'ble High Court of Allahabad in Zakir Hussain versus Irrigation Department 1993 Lab. I.C. 836 which is as under—

A person who is appointed on daily wages on ad hoc basis does not have any right to the post and his services can be terminated at any time. He cannot claim regularisation of his services merely because he has completed 240 days in service. In this connection reference may be made to the decision of the Supreme Court in the case of Delhi Development Horticulture Employees Union v. Delhi Administration 1992(1)JT 394.

In view of the law laid down by the Hon'ble High Court, Allahabad in the case cited above, I hold that although there is no evidence that the concerned workman had worked for 240 days in one calendar year from preceding the date of his termination but even if it is found that he had worked for more than 240 days he is not entitled to get protection of I.D. Act being a casual daily wage.

11. In view of above observation, I hold that disengagement of the concerned from the service of the Sansthan as a casual daily wage cannot be held to be illegal and unjustified. Consequently he is not entitled to get any relief in pursuance of this reference made to this tribunal.

12. Reference is answered accordingly.

Dated : 24-1-2001.

R. P. PANDEY, Presiding Officer

नई दिल्ली, 5 फरवरी, 2001

का. मा. 451.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय पुरातत्व सर्वेक्षण विभाग के प्रबन्धन के संबंध निजोंकों और उनके कर्मचारियों के बीच, प्रबन्धन में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-2001 को प्राप्त हुआ था।

[सं. एल-42012/140/96-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 5th February, 2001

S.O. 451.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Kanpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bhartiya Puratatva Sarvekshan Vibhag, and their workman, which was received by the Central Government on 5-2-2001.

[No. L-42012/140/96-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SRI R. P. PANDEY, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, SARVODAYA NAGAR,
KANPUR.

Industrial Dispute No. 186 of 1997

In the matter of dispute:

BETWEEN

Sri Ganesh Bahadur Singh,
Village & Post Goradand,
District Pratapgarh.

AND

Adhikshak,
Bhartiya Puratatva Sarvekshan Vibhag,
Mandal Lucknow,
Golaan], Lucknow.

AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-42012/140/96-IR(DU) dated 18-9-97, has referred the following dispute for adjudication to this Tribunal—

"Kya Bhartiya Puratatva Sarvekshan Ke Prabhandhan Ke Dvara Sri Ganesh Bahadur Singh Ko Dinank 1-8-95 Se Naukari Se Nikala Jana Uchit Avam Valdhanik Hai ? Yadi Nahi To Sambandhit Kamkar Kis Anutosh Ka Haqdar Hai ?"

2. In the claim statement the workman has stated that he was appointed as Beldar/Chowkidar in Archaeological Survey of India (hereinafter referred to as ASI for the sake of brevity) on 1-2-89 in the Kalinger Fort situated in District Banda. He worked at several places under ASI. He worked continuously from 1-2-89 upto 31-7-95. His services were terminated abruptly without any valid reason w.e.f. 1-8-85. He worked at different places and his wages were paid after marking his attendance in muster roll. The post against which he was working was permanent one. He alongwith other persons was engaged as casual worker. Although the

work on which he was engaged was of a permanent nature. As the compliance of mandatory provisions of section 25F of I.D. Act was not done at the time of termination of his services, his termination of service was illegal void and he was entitled to be reinstated in service with back wages. It has been alleged that his juniors were retained in service and some new hands have been appointed after termination of his service but no opportunity was given to him for employment under ASI. On the basis of these allegations he has prayed for reinstatement in service with full back wages.

3. The management ASI has filed written statement in which it has been alleged that the concerned workman Ganesh Bahadur Singh was engaged on 8-3-71 for 8 days only at Garha Fort within Allahabad Sub Division. He was always careless and did not discharge his duties properly. He did not continuously worked under ASI for more than 240 days. It has been alleged that when there was temporary need of work, the concerned labourer as well as other casual labourers were engaged and as soon as work came to an end their engagement also came to an end. They were never appointed against any post at any place under ASI. It has been alleged that ASI has been declared as Scientific Department by the Government of India, hence it does not come within the definition of Industry and its employee could not claim the benefit of provisions of I.D. Act. It has been alleged that the concerned workman is not entitled to get any relief in this case.

4. The workman has filed rejoinder in which he has reiterated the allegation made in the claim statement.

5. The workman has examined himself as W.W. 1, whereas the management of ASI has examined Sri D. B. Yadav as M.W. 1 and Sri H. S. Pandey as M.W. 2 and filed a number of documents in support of its case.

6. I have heard the authorised representative for both the sides and have gone through the record of the case.

7. The authorised representative for the management has argued that ASI has been declared as Scientific Department by the Government of India and does not come within the definition of Industry and its employees are not covered by Industrial Disputes Act. After going through the record of the case, I do not find any force in this contention. In J. Raja versus State of Kerala 1994(69)FLR 78 Kerala High Court has held that Kerala State Scientific and Technical Museum is an Industry as defined in section 2(j) of the I.D. Act. Similarly ASI which is also alleged to be a Scientific Department shall also be held to be an Industry. I, therefore, reject the aforesaid contention of the representative for the management.

8. Ganesh Bahadur Singh W.W. 1 stated on oath that he worked as Chowkidar in ASI from 1-2-89 to 31-7-95 continuously and his services were terminated on 1-8-95. His oral evidence on this point is not supported by any documentary evidence. He has not filed any appointment order to show that he was ever appointed as Beldar/chowkidar in ASI by a competent authority. He has not filed any order indicating that his services were terminated by any competent authority. Thus the workman has not been able to prove by any cogent and reliable evidence that he was appointed against any post in ASI by competent authority and he continuously worked on any such post in that department. On the other hand the contention of the management that Ganesh Bahadur was a casual worker and he worked when there was a need in the department as a casual worker and as soon as the work came to an end his engagement was also came to an end appears to be correct and is borne out from the materials and from the record. Ganesh Bahadur has himself stated in paragraph 9 of his statement of claim that he was one of the casual workers. He admitted in his evidence as well as in para 5 of his statement of claim that he worked at different places under the management of ASI. He also admitted that his attendance was marked on muster roll and wages were also paid to him according to his attendance on the muster rolls. The management has filed copy of muster roll for June 91 which indicates that Sri Ganesh Bahadur worked at Kalinger Fort for 15 days only in the month of June 91. He was paid wages accordingly. The muster roll for the month of July 92 has also been filed by the management which show that Ganesh Bahadur worked for six days only

In Khusrobagh Gate Allahabad and was paid wages accordingly. Muster rolls for the month of October and November 93 have also been filed which indicates that the workman worked for 5 days only in the month of November at Khusrobagh Allahabad and was paid wages accordingly. The muster roll for the period from 30-7-94 to 10-8-94 has been filed which shows that the workman worked for 12 days only at Khusrobagh in the month of July and August, 1994. The muster roll for the month of September 94 shows that workman worked continuously for 20 days only in that month at Kaliniger Port. The muster roll for the month of October, November and December 1994 shows that the workman worked for 17 days in October, for 19 days in November and for 23 days in December 1994 at Kalinger Fort Banda. Muster rolls for the years 1995 from January to July have been filed which indicate that Ganesh Bahadur worked for 24 days in January, for 26 days in February, for 25 days in June and for 27 days in July, 1995 at Kalinger Fort. These documents go to show that the concerned workman was engaged according to the need of the department as casual labour and he never worked continuously at any place under the control of ASI. He had worked at different places according to temporary need of work at different places and the wages were paid to him according to his attendance marked in the attendance sheet. These documents go to support the contention of the management that he was a casual worker engaged due to temporary need of the work and as soon as the work came to an end he was disengaged from the work. In these circumstances I fully agree with the contention of the management that the concerned workman was a casual worker and was casually engaged for work according to the temporary need in the department. Such a casual worker could not get the status of an employee of ASI and was not entitled to get any protection of the provisions of Industrial Disputes Act.

9. Admittedly ASI is an Department working under Government of India. The posts in this department come within the definition of public service and the employment on those post could be made after making selection of suitable candidates from amongst the eligible candidate after inviting applications from the general public. There is nothing on record to show that any such selection was ever made by the appointing/competent authority for any post of Ikdar and the concerned workman was ever selected for being appointed on such post. From this point of view also the engagement of the concerned workman could not be held to be legal because it was never made according to the rules and after making compliance of the provisions of Article 16 of the Constitution of India.

10. In a similar case of Manager State Bank of Indore versus Presiding Officer, Central Government Industrial Tribunal and others 1990 (60) FLR 672 Hon'ble High Court of Allahabad has held as under—

In the absence of any appointment order there cannot be any termination, nor it can be alleged that termination is bad. Para 495 of the Shastri Award clearly indicates the terms in which the appointment is to be made that is by a written order and when appointment has not been made according to law a right cannot be claimed. Where a person has no right to a post, or to a particular status but if the authority acts beyond its competence gives that person a status which it was not entitled to give he will not in law be deemed to have been validly appointed the post or given the particular status.

11. In another case of State of U.P. versus Labour Court, Haldwani 1993 (81) FLR 319 Hon'ble Court of Allahabad has held as under—

For engaging a person casually on day to day basis the statutory rules are not required to be followed under which the posts have to be advertised and only the best from the market have to be picked up keeping in view reservation provided for certain classes. Thus every eligible person has an opportunity to participate in the recruitment process. This is not so in the case of daily wager in whose case even regulations regarding age medical fitness, character etc., are not observed. Therefore, daily and casual workers who are engaged in disregard

of all rules cannot be allowed to enter government service through the back door and the labour court cannot be allowed to be used as a legal means for such back door entry.

12. In similar case of Himanshu Kumar Vidyarthi versus State of Bihar and others 1997(76) FLR 237, the hon'ble Supreme Court of India has held as under—

Admittedly they were not appointed to the posts in accordance with the rules but were engaged on the basis of need of the work. They are temporary employees working on daily wages. Under these circumstances, their disengagement from service cannot be construed to be a retrenchment under the Industrial Disputes Act. The concept of retrenchment, therefore, cannot be stretched to such an extent as to cover these employees. Since they are only daily wage employees and have no right to the posts and their disengagement is not arbitrary.

The law laid down in the cases cited above fully applies to the facts of the present case. The concerned workman was engaged on the basis of need of the work as a casual worker and his disengagement cannot be treated to be retrenchment under the provisions of Industrial Disputes Act.

13. In view of the observations of the Hon'ble Supreme Court in the case cited above I hold that the concerned workman is not entitled to get the protection of the provisions of Industrial Disputes Act, 1947.

14. The authorised representative for the workman has drawn my attention towards the judgment of the hon'ble Supreme Court passed in Samishtha Dubey versus City Board Etawah 1999(81) FLR 746. In that case Samishtha Dubey was appointed by the competent authority against a post of clerk on daily wages and her services were terminated by the competent authority by order in writing. She got status of an employee of the City Board and protection of the provisions of law was extended to her by the Labour Court as well as by the Hon'ble Supreme Court. The law laid down in the case cited above cannot be made applicable in the present case because the concerned workman was a casual labourer and was engaged only temporarily to meet the temporary need of the department and was never appointed by competent authority against any post. He has further drawn my attention towards the law laid down by Hon'ble Supreme Court in Workmen of American Express versus Management 1986, Lab I.C. 98. That judgment is of no help to the concerned workman because in that case the workman had continuously worked and was paid wages even for holidays although he did not work on those days. That shows that he was a regular employee. On the other hand in the present case, the concerned workman was a casual labourer and he worked for a few days in every month and was paid wages accordingly. The law laid down in the case cited above is of no help to the concerned workman.

15. In view of above discussions, I hold that the disengagement of the concerned workman w.e.f. 1-8-95 by the management of A.S.I. was justified. I do not find any illegality in the action taken by the management against the workman who could not get a status of an employee of the management. I, therefore, hold that the concerned workman is not entitled to get any relief in pursuance of the reference made to this Tribunal.

16. The reference is answered accordingly.

Sd/-

8-1-2001

R. P. PANDEY, Presiding Officer

नई दिल्ली, 9 फरवरी, 2001

का. आ. 452.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार नेशनल एल्युमिनियम कम्पनी लि. कैपटिव विद्युत संयंत्र, अंगुल के प्रबंधक के संबंध में निविष्ट औद्योगिक विवाद में अरबीट्रेटर श्री ब्रजा किशोर मिश्रा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-2-2001 को प्राप्त हुआ था।

[सं. एल-29013/1/99-आई आर (एन)]

बी. एम. डेविड, सचिव

New Delhi, the 9th February, 2001

S.O. 452.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Arbitrator—Shri Braja Kishore Mishra as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Aluminium Company Ltd., Captive Power Plant, Angul and their workman, which was received by the Central Government on 09-02-2001.

[No. L-29013/1/99 IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

Industrial Dispute

BETWEEN

The Management of National Aluminium Company Limited,
Captive Power Plant, Angul

AND

Their workmen, represented by the Nalco Non Executive
Employees Union, CPP, Angul

(Arbitration Under Section 10A of the Industrial Disputes
Act, 1947)

AWARD

1.1 An Industrial Dispute between the Management of Captive Power Plant of the National Aluminium Company Limited, Angul (hereinafter referred as NALCO CPP) and their workmen represented through the Nalco Non-executive Employees Union, Captive Power Plant, Angul (hereinafter referred as NNEU) was taken up for conciliation by the Conciliation Officer (Central), Angul under the I.D. Act, 1947.

1.2 Consequent upon the failure of the conciliation, the parties agreed to refer the said dispute for arbitration u/s-10A of the I.D. Act, 1947, accepting the undersigned as Arbitrator. This was notified in the Official Gazette of the Government of India, New Delhi, dated 20th January, 2000 vide Ministry of Labour Notification No. S.O. 218, dated 10th January, 2000.

1.3 The parties to the dispute subsequently agreed in writing to extend the stipulated time limit till 31st January, 2001 to facilitate the Arbitrator to conduct the proceedings and give his award.

1.4 The specific matter of the Industrial Dispute as notified in the above stated official Gazette is as under :

"At present the Operation Department of CPP is having the 3-groups manning pattern in shift-system for the purpose of round the clock operation of the Plant.

On the ground of inadequate rest in between shift change from 'C' shift to 'B' shift the employees of Operation Department including Unions have demanded for implementation of 4-group shift system. Management could not agree to the above proposal for the reason that the same will need additional manpower. Alternatively, 7-group manning pattern was proposed by the Management whereby the grievance of inadequate rest can be wiped out. But the said proposal was also declined by the employees and they insisted for the 4-group shift system. Considering the gravity of the situation a suggestion was made to have the 4 group system with reduction in duty post/existing manning location so as to make available the required leave reserve for each group out of existing manpower as available in the present system. But this again was disputed by the employees/Union. Hence, this reference was made to ascertain the appropriate shift system to be followed in Operation Department of CPP and if will be 4-group shift system, then how to generate the required leave reserve from existing manpower earmarked for Operation Department."

1.5 Following Trade Unions of the Workmen of the NALCO CPP and the Operators of the CPP impleaded themselves as concerned parties to the dispute and were allowed by the undersigned to participate in the proceedings and present their case before the Arbitrator.

(i) Nalco Vidyut Mazdoor Sangh

(ii) Nalco Shramik Congress Union

(iii) Representatives of three groups of Operators

1.6 All the parties submitted their written statements, tendered oral and documentary evidence and their final argument in support of their case. They also visited with me four Power Plants in Orissa viz. The NTPC Talcher Unit and Kaniha Unit, Ib Thermal Power Station, Banaharpalli and Captive Power Plant of the Indian Aluminium Company, Hirakud. They had interaction with the representatives of those Plant's to understand the operations, manning pattern, Unit locations, group, shift system and other related matters relevant to the instant dispute.

1.7 The General Secretary of the Nalco Officers' Association, Smelter & Power Complex, Angul made a written submission, to the Arbitrator attaching written views and opinion of the Engineers of the Operation Department. This was duly forwarded by the Management. This submission was not given any cognisance since the Industrial Dispute was between the Management of NALCO and their Workmen which was being processed under the Industrial Disputes Act, 1947. Further, the Management Representative (M.W. 1) in his statement before the Arbitrator, categorically stated that neither the Engineers were workmen under the Act nor their views and opinion were to be treated as those of the Management. The Unions and the Operators' representatives did not offer any comment or opposition on the above contention of the Management representative. Thus, the Officers' Association and the Engineers were neither entertained as party to the Industrial Dispute nor their submission was given any cognisance.

2.0 Following issues were framed at the outset :

2.1.1 Is the rest in between shift change from 'C' to 'B' inadequate for workmen of operation department under the present 3-group system ?

2.1.2 Does the 7-group system proposed by the Management provide adequate rest to the workmen ?

2.1.3 Will the 4-group system ensure adequate rest during shift changes from 'C' to 'B' and provide leave reserve within the existing manpower strength by reducing duty locations ?

2.1.4 If not what should be the appropriate shift system and allocation of leave reserve from the existing man power ?

3.0 Gist of contentions of the Management and the workmen :

3.1 The contentions of the Management :

3.1.1 The 3-group system is universally followed in continuous running Plants and the same is in vogue in NALCO CPP since production started fifteen years back and also in practice in the nearby Smelter Plant of NALCO.

3.1.2 The complain regarding lack of adequate rest and consequential health problem can be removed by introducing 7-group shift system proposed by the Management in 1991. A Notice of Change U/S-9A of the Industrial Disputes Act, 1947 was given for this purpose. This was opposed by the Workmen.

3.1.3 The 7-group system would not require additional manpower for leave and off reserve. The 4-group shift system would require more operators than the present 168 to provide for leave and off reserve. In case such provision is not made, this would lead to high over time engagement to man the duty locations during leave and off. Besides, the Operators coming in General shift would be under utilized and will not be utilized for production purposes.

3.1.4 The 7-group shift system would allow shift changes every 2-days as against the present 6-days continuous shift work before weekly off. This ensures adequate rest to the Operators.

3.1.5 The present six Units of the Captive Power Plant, Angul are being developed for automatic process control system and the two new Units being set-up soon, would be fully automated. Thus, there would be considerable reduction in the manpower since the requirement would not be related to duty locations. The Management therefore could not agree to the proposed 4-group shift system.

3.2.0 The main contentions of the workmen were that:

3.2.1 The 3-group shift system does not provide adequate rest neither between the shifts nor during weekly off. The continuous 6-day work in shifts pose health problem and speaks upon their functional efficiency.

3.2.2 They had been complaining about this since 1991 without any positive response from the Management. They also threatened self immolation in protest to the apathy of the Management. However, the latter assured to consider the 4-group shift system proposed by the workmen and the agitation was stalled.

3.2.3 The 7-group system is not an appropriate substitute to the 4-group system which is in vogue in NTPC Power Units and which gives sufficient rest to the Operators during shift changes and on weekly off.

3.2.4 The 7-group system involves frequent shift changes and the Operators have to work with different sets of colleagues and different duty locations every time the shift change takes place. This affects group cohesion and lead to bad work culture. Besides, there would be more wastage of time for a larger number since two groups have to be present in each shift and also to be assigned duty every day.

3.2.5 The 4-group shift pattern is already in practice in certain departments of the CPP as also in Smelter Plant, Angul without posing any difficulty.

3.2.6 The workmen did not press the Industrial Dispute before Adjudication in 1991 because of the positive assurance of the Management, to settle the dispute amicably. The present Arbitration is in continuance of the above dispute as pursued by the workmen.

4.0 Appreciation of the contentions:

4.1 It is clear from the evidence adduced by both parties that adequate rest is not available to the Operators, particularly after performing duty continuously for six nights under the present shift system. Eight hour rest available between end of 'C' shift and beginning of next 'B' shift is further curtailed by more than 15—20 minutes before the Operator of the 'C' shift is relieved from duty. This is an inherent problem in the present system of duty allocation and needs to be looked into. The Chief Manager (Operation) MW2 admitted that the health of the Operators is affected due to lack of rest under continuous 6-days night shifts.

4.2 The 7-group shift system would no doubt provide longer hours of rest because of shift change every 2 days and consequently reduce fatigue. This is, however, observed as a cumbersome system where two groups of Operators would be required on duty at a time in each shift and are to be allocated duty. The time taken in relieving at the end of the shift would invariably continue to cause delay.

4.3 It appears that the 7-group system as opposed to the 4-group system was worked out by the Management on the assumption that the latter system would require additional man power over the sanctioned 168 at present, to accommodate leave and off reserve, keeping the present number of duty locations 42 intact.

4.4 The Workmen have, however, conceded at their final submission that the 4-group system could be introduced without increasing manpower and over time work and also without restrictions on manning the duty locations (i.e. no fixed location manning). They were however, not in favour of reducing duty locations. They also suggested Operators working in Boiler area should have required certificate from the legal authorities.

This changed position calls for a relook at the approach to the 4-group shift system.

4.5 It was observed during the visits to the four Power Plants of NTPC (Talcher & Kaniha) that they have been following 4-group shift pattern. The same is also followed in most of the other NTPC Plants in the country. The Ib Thermal Power Plant also follows a 4-group shift system while the Captive Power Plant of INDAL, Hirakud follows 3-group system.

4.6 The work locations vary from Plant to Plant depending upon their Plant lay out and technology. Besides, all the Units visited have a high flexibility in deployment of Operators. In the process, the Management decides which duty locations are to be manned, clubbed or to be left unmanned if so needed. The over time duty engagement is absolutely minimal and need based. The major duty locations are more or less same in all Plants including NALCO CPP.

4.7 On perusal of the documentary evidence adduced and the statements of the witnesses it is abundantly clear that out of 42 manning locations, in NALCO CPP, some are left unmanned on several occasions, some are managed on over time duty and some are looked after by the duty Engineers and shift Supervisors as and when there was heavy absenteeism. This decision on manning and otherwise is taken by the shift management M Ex-X indicates the important and less important duty locations.

4.8 Thus it can be safely concluded that the Management can locate some less important duty positions which can be either withdrawn or combined with other locations without adversely affecting the Plant operations or causing hardship to the concerned Operators.

5.0 On the basis of the above observations and appreciation of the evidence, following conclusions are drawn:

5.1 The present 3-group shift system in NALCO CPP does not provide adequate rest to the Operators leading to fatigue and having adverse effect on their health and efficiency.

5.2 The 7-group system although allows adequate rest, is cumbersome in actual implementation. Further, with the change in the stand of the workmen before arbitration proceedings and keeping in view of their strong objection to the system proposed by the Management, a relook is called for in favour of the 4-group shift system.

5.3 Authorised, unauthorised and forced absence of Operators from duty is inescapable as evident from the data submitted by the Management on daily deployment of Operators and over time duty engagement etc. In such a situation, unless there is some provision for leave reserve in the man power plan, over-time engagement in certain locations becomes a compulsion. Therefore, leave reserve has to be provided.

5.4 It is to be noted in the present context that increase in the existing strength of 168 is undesirable (in the face of introduction of automatic control system). Therefore, to provide leave reserve, adjustment of present manning locations should be appropriate.

5.5 A 4-group shift system as exists in other Power Plants like NTPC should also be appropriate for NALCO CPP, considering that NTPC has gathered wide experience from their several Units over a long period on the conveniences and otherwise of this shift system followed in their Units.

6.0 On the basis of the above conclusion, I suggest the following 4-group shift system for NALCO CPP :

6.1

Date	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Group-1	A	A	A	B	B	C	C	O	O	G	A	A	B	B	C	C	C
Group-2	B	B	B	C	C	O	G	A	A	A	B	B	C	C	O	O	C
Group-3	C	C	C	O	G	A	A	B	B	B	C	C	O	G	A	A	A
Group-4	O	O	G	A	A	B	B	C	C	C	O	G	A	A	R	R	R

Date	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Group-1	O	G	A	A	B	B	B	C	C	O	G	A	A	A
Group-2	A	A	B	B	C	C	C	O	G	A	A	B	B	B
Group-3	B	B	C	C	O	O	G	A	A	B	B	C	C	C
Group-4	C	C	O	G	A	A	A	R	R	C	C	O	O	G

A — Morning shift

B — Evening shift

C — Night shift

G — General shift

O — Weekly off

6.2 The operation duty locations to be adjusted/combined as suggested below :

6.2A Work locations
(Existing per shift)

Adjustment/combination suggested
(per shift)

Boiler— 01

Bowl Mill— 01 03

Air pre-heater 01

Considering the locational proximity of Air pre-heater & jobs involved, responsibilities can be shared by the Boiler & Bowl Mill Operators or as decided by the Management.

ESP 01

BFP 01

MOT 01

Total 6 × 5 Units-30

Total 5 × 5 Units = 25

6.2B Common locations :

CT 01

AWPH 01 02

CWPH 01

FOPH 01

ASPH 03

New compressor House (NCH) 01

CH-I 01 02

CH-II 01

CH-III 01

Reject Conveyor (R/C) 01

Nil
(to be combined with Bowl Mill)

Total 12

09

6.3 Thus the locations reduced are :

(A)05 + (B)03 = 08 per shift

The total duty locations will now be 42—08=34. The Operators engaged against the 08 locations are thus available as spare for leave reserve. No off reserve is required under the 4-group system. The deployment of Operators will be decided by the Management on the criticality of the shift operations.

6.4 The Management should ensure that no more than 15 minutes is spent in the normal course, for allocating relieving Operators during shift changes.

6.5 Under the 4-group shift system the Operators coming in the General shift duty are to be fully utilized for their skill and general development at least on two such shifts in a month. The remaining General shifts in the month should be utilized for maintenance, House keeping and other ancillary and related activities to keep the Operators active and gainfully utilized. An appropriately documented plan on General shift functions should be drawn up by the Management and communicated to the concerned workmen and Engineers in the Operation Department.

7.0 Speedy and smooth implementation of this Award shall be the joint responsibility of the Management, the Workmen and their Unions who are parties to this Industrial Dispute.

BRAJA KISHORE MISRA, Arbitrator

Bhubaneswar
29-01-2001

नई दिल्ली, 14 फरवरी, 2001

क्र.प्र. 453 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बाइलादिला इराउन और प्रोजेक्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1/2/2001 को प्राप्त हुआ था।

[सं.एस.-26012/13/86-डी. (III)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 14th February 2001

S.O. 453.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Bailadila Iron Ore Project and their workman, which was received by the Central Government on 1-2-2001.

[No. L-26012/13/86-D.III]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR

Case No. CGIT/LC/R/98/87

Presiding Officer : Shri K. M. Rai.

Shri S. R. Yadav,
Through Secretary,
494 C/2001—15

Bastar Khadan Mazdoor Sangh (HMS)
2/B. New Colony,
P.O. Kirandul,
Distt. Bastar.

Applicant

Versus

The General Manager,
Bailadila Iron Ore Project,
Dep. No. 14,
P.O. Kirandul,
Distt. Bastar.

Non-applicant

AWARD

Passed on this 15th day of January, 2001.

1. The Government of India, Ministry of Labour vide order No. L-26012/13/86-D.III dated 25-6-87 has referred the following dispute for adjudication by this tribunal.

"Whether the demand of the workman Shri S. R. Yadav Ex. Light Vehicle Driver now maintenance asstt. that the suspension order dated 1-5-84 and punishment imposed vide order dated 24-8-84 on him should be withdrawn by the management of Bailadila Iron Ore Project, Kirandul is fair and justified? If so, what relief the workman is entitled to?"

2. The case for the workman is that on 11-7-70, he was appointed as light vehicle driver by the General Manager, Bailadila Iron Ore Project, Distt. Bastar (MP) and joined his services on 10-8-70. Throughout his service record was unblemished and to the satisfaction of the superiors of the management. On 1-5-84, he was placed under suspension by the General Manager, Bailadila (expansion) for the charge of driving, the management's jeep rashly and negligently and thereby damaging the same by dashing against the ambulance coming from the opposite side. The jeep was completely damaged and the workman and other passengers were also injured in the accident. The charges of misconduct were framed against the workman and the regular Departmental Enquiry was conducted against him. The Enquiry Officer held him guilty of the charges of the Disciplinary Authority removed him from service by accepting the report of Enquiry Officer. The Enquiry was not conducted properly as he was not given any defence Assistant to defend his case.

3. The workman further alleges that the suspension order passed by the G. M. Bailadila (Expansion) was illegal as he was not his disciplinary authority. The charges were vague and therefore it was not possible to put up the explanation properly. The Enquiry Officer did not conduct the enquiry and relied upon the alleged acceptance of the guilt by the workman. The Enquiry Officer should have examined the witnesses of the prosecution and then he should have given his finding in respect to the charges levelled against the workman. The appellate authority also did not apply its mind and maintained the order of Disciplinary Authority. The alleged occurrence was also reported to police and the challan was put against the workman and the court acquitted him of the charge. In this way the enquiry conducted by the management is not just and

proper and the order of removal passed by the Disciplinary Authority deserves to be set aside. The workman is entitled to reinstatement with full back wages and other consequential benefits.

4. The case for the management is that the workman was driving jeep No. MPS-2084, belonging to the management, rashly and negligently and therefore by driving the said vehicle on the road he dashed against ambulance coming from the opposite side causing total loss of the jeep. The matter was also reported to the police regarding the occurrence and the case was registered against him. The workman was suspended for his said misconduct and the chargesheet was issued to him. He submitted his explanation which was not found satisfactory and accordingly the DE was conducted against him. The Enquiry Officer gave him ample opportunity to defend his case. Several adjournments were given on his request in order to enable him to defend himself properly. During the course of enquiry, he voluntarily accepted the charges in writing and prayed for lesser punishment. On his voluntary admission, the Enquiry Officer did not think it proper to examine the prosecution witnesses. He submitted his enquiry report and held the charges proved against the workman. The Disciplinary Authority accepted the enquiry report and passed the dismissal order dated 24-8-84. The workman preferred the appeal against this order before the proper authority who rejected the same after due consideration. Thereafter the workman filed a mercy appeal and taking the human consideration, the management gave the fresh appointment to him. He accepted this fresh appointment and his continuing in the employment.

5. The management further alleges that the enquiry was properly held and the admission of the workman was not obtained by the management by exercising any inducement or threat on him. The admission of the workman was perfectly legal and therefore the enquiry officer had accepted the same and acted on it in a legal manner. The defence of the workman is an after thought which cannot afford any benefit to him. In view of all these reasons, the order of suspension and removal from service are perfectly legal and proper which do not require any interference by this tribunal.

6. The following issues have been framed in this case and my findings therein are noted below :—

1. Whether the domestic/departmental enquiry is proper and legal.
2. Whether the punishment awarded is proper and legal.
3. Whether the management is entitled to lead evidence before this tribunal?
4. Whether the termination/action taken against the workman is justified on the facts of the case?
5. Relief and costs?

7 Issue No. 1 & 2 : My learned predecessor has held on 10-11-98 the DE conducted by the management as just and proper in view of this

finding these issues need no further consideration at all.

8. Issues No. 2 & 4.—It is an admitted fact that on 30-4-84, the workman was driving jeep No. MPS-2084, belonging to the management which had dashed against the ambulance coming from the opposite side. The jeep was badly damaged and could not be repaired. The workman was charged with misconduct for driving vehicle dashly and negligently and causing total loss to the jeep by dashing it against the ambulance coming from the opposite side. During the course of enquiry, the workman had voluntarily admitted the commission of alleged guilt. He filed an application praying for lesser punishment. On his voluntary admission, the Enquiry Officer did not think it just and proper to examine the witnesses for prosecution during the enquiry proceeding. The workman never objected to it. From the record, it appears that the workman was neither induced by the management to admit his guilt nor any threat was given to him to obtain his admission in respect to the commission of misconduct. The Enquiry Officer rightly accepted his confession and acted on it properly. On this very admission, the charges were held to be proved against the workman.

9. The Disciplinary Authority accepted the report of DE after carefully examining the materials available on record. I do not find any legal infirmity in concurring with the findings of the enquiry officer by the Disciplinary Authority. His conclusion is based on sound and cogent reasons and therefore does not require any interference. The workman had also preferred an appeal against this order and the Appellate Authority rejected his appeal after due consideration on the facts and evidence on record. The findings of both these authorities are perfectly legal and do not suffer from any lacuna. The workman had voluntarily confessed his guilt and therefore the enquiry officer rightly held the charges proved against him and the award of punishment of removal from service is perfectly legal and justified. Issues No. 2 & 4 are answered accordingly.

10. Issue No. 5 : On the reasons stated above the award of punishment of removal from service as well as the order of suspension passed during the Department enquiry proceedings against the workman by the management are perfectly legal and do not deserve to be set aside. The workman has been given appointment on his mercy petition and therefore he can continue in the employment till it is legally permissible. The workman is not entitled to any other relief as claimed by him.

11. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 14 फरवरी, 2001

का.अ. 454.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेक्टर वेयर हाऊसिंग कॉर्पोरेशन के प्रबन्धतंत्र के संबंध में नियोजकों और उनके कर्मचारों के बीच, अग्रगण्य में निर्दिष्ट विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण

जबलपुर के पंचाट को प्रकोशित करती है, जो केन्द्रीय सरकार को 1-2-2001 को प्राप्त हुआ था।

[सं.एल.-42012/1/91-आई.आर. (एम.)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 14th February, 2001

S.O. 454.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management Central Warehousing Corporation and their workman, which was received by the Central Government on 1-2-2001.

[No. L-42012/1/91-IR(Misc.)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/128/91

Presiding Officer : Shri K. M. Rai.

Shri Ravi Kumar Mathur,
Chowkidar, Central Ware House
Corporation Quarters,
Phafacih, Raipur

—Applicant.

Versus

The Regional Manager,
Central Ware Housing Corporation,
52-53, Amar Niwas,
New Market, T. T. Nagar,
Bhopal.

—Non-applicant.

AWARD

Passed on this 14th day of January, 2001

1. The Government of India, Ministry of Labour, vide order No. L-42012/1/91-IR(Misc) dated 26-6-91 has referred the following dispute for adjudication by tribunal:—

“Whether the action of the management of Central Warehousing Corporation, Regional Office, Bhopal in imposing a penalty of dismissal of services w.e.f. 30-11-89 on Shri Ravi Kumar Mathur chokidar, C.W.C. Raipur II is legal and justified? If not, what relief the workman is entitled to?”

2. The case for the workman is that he was posted as chowkidar in Central Ware Housing Corporation, Raipur. The duties of the chowkidar are enumerated in the Corporation's directives as under :—

1. To open and close godown/office shutters and be responsible for the security/safety of the Corporation's property.

2. To attend to watch and ward duty at points assigned including counting of bags being loaded/unloaded at the Warehouse.

3. To attend to gatepoint/weightbridge points and to keep an account of incoming/outgoing consignment after rallying with truck-chugate pass and maintenance of gate register.

4. To assist in disinfection work whenever required.

5. To carry official dak whenever required.

6. To perform such other work as may be assigned.

3. The Ware house Manager Shri P. C. Verma was incharge of the warehouse on 25-10-87. One Hari Shanker Pillai, Ware house assistant Grade-I, was also incharge of the duties and receipt of goods, weighing and other godown operations and also to supervise, check and verify the receipt weighing delivery etc. Shri Hari Shanker Pillai has been discharged on the alleged misappropriation of palmolein oil on his numbering 000. The workman has been implicated falsely for the alleged misconduct and punished by the order of dismissal from service which is neither legal nor based on the facts and circumstances of the case. He had never colluded with the Ware house Manager Shri P. C. Verma in misappropriating 660 tins of palmolein oil on 25-10-87 and causing loss to the management. There was no mistake in counting of palmolein oil tins in loaded or unloaded in the Warehouse by the workman. He had properly maintained the gate register and made the entries properly after tallying with truck chit and gate passes. He was never entrusted with the 660 tins of palmolein oil as alleged by the management. In the absence of such entrustment, the charge of misappropriation cannot be levelled against him.

4. The workman further alleges that he and Ware-house Manager Shri P. C. Verma were charged together for the alleged misconduct. The enquiry was never conducted jointly against him by the management. The charges were not properly explained to him. The Enquiry Officer was biased and therefore he held Hari Shanker Pillai as not guilty who was responsible for the actual maintenance of the stock by virtue of being godown incharge. The workman has been wrongly held guilty for the alleged misappropriation of 660 tins of palmolein oil. On 25-10-87, a trucks having 660 tins of oil in each arrived in the Warehouse and were entered in the gate register by the workman. It was also duly verified and certified by the surveyor. The godown incharge also did not report against the workman regarding the misappropriation of 660 tins of palmolein oil. On 2-11-87, the verification was done and the charge regarding empty tins alleged to be brought on 25-10-87 was framed against him. The finding of the enquiry officer is based on suspension only. He is not liable for the goods kept in the godown. The charge has not been proved against him on the evidence adduced by the management. Hence the punishment of dismissal awarded by the management deserves to be set aside. He is entitled to reinstatement with other consequential benefits attached to this post.

5. The case for the management is that the workman, while functioning as chowkidar at the Central Ware Housing Corporation, Kaipur in the year 1987 with the Ware House Manager Shri P. C. Verma and H&T contractor and misappropriated 660 tins of palmolein oil in 25-10-87. He made false entry in the gate register showing receipt of this tins in the gate at 23.05 hours on 25-10-87 and clandestinely brought 655 empty tins, 10 of which were not of SIC Palmolein oil and concealed in the stock no. 213 by shutting the some of stock in stock no. 8 & 9 of godown M-3B in the early hours of 20-10-87 to make up the shortage. By the said act of the workman the Corporation was put to a loss of Rs. 2,97,000. On receiving the information from SIC, Bombay their surveyor had informed that 655 tins of palmolein oil were found completely empty on 31-10-87 in the said godown at Kaipur. The matter was enquired into and 655 empty palmolein oil tins were found without caps in godown M.3B. On this basis chargesheet dated 10-5-86 was issued. The statement of allegations and other documents were also issued to the workman to explain his defence. The explanation of workman was not found satisfactory and therefore the DE was conducted against him. The enquiry was properly conducted and the sufficient opportunity was given to the workman to put up his defence. After examining the evidence and other materials on record, the Enquiry Officer found the workman guilty of the charges levelled against him. The show cause notice was issued to the workman and after considering his explanation, the Disciplinary Authority passed the order of dismissal which is perfectly just and proper. His appeal was also rejected by the appellate authority. In this way, the award of punishment given to the workman does not require any interference. The workman is not entitled to any relief as claimed by him.

6. Following issues have been framed in this case and my findings thereof are noted hereinafter:—

1. Whether the enquiry is just, proper and legal?
2. Whether the management is entitled to lead evidence before this tribunal?
3. Whether the charges of misconduct are proved on the facts of the case?
4. Whether the punishment awarded is proper and legal?
5. Relief and costs?

7. Issues No. 1 & 2 : On 17-1-96, my learned predecessor has held the Departmental enquiry conducted against the workman as just and proper. In view of this finding, they need no further consideration.

8. Issue No. 3 : The charges of misconduct were framed against the workman and Departmental Enquiry was conducted against him. Shri P. G. Nair had held the Departmental enquiry and submitted his report on 9-5-89. Both the parties had adduced oral documentary evidence in support of their respective contentions before the Enquiry Officer. The ample opportunity was given to the workman to cross examine the witnesses and rebut the prosecution evidence by the documentary and oral evidence. The report of the Enquiry Officer is exhaustive and has discussed the evidence of both the parties in detail and the conclusions are based on the basis of cogent reasoning. The

Enquiry Report does not disclose that the Enquiry Officer had given his findings on the charges on no evidence on record. It is also not disclosed that the conclusions of the Enquiry Officer are based on hypothesis only and not on the basis of evidence available on record. In such a circumstance, it will not be proper for this tribunal to re-appreciate the evidence adduced during the Departmental Enquiry proceedings. I do not find that the finding given by the Enquiry Officer is perverse.

9. This tribunal cannot sit as a court of appeal over the finding of the Enquiry Officer. The appellate Authority had also agreed with the finding of the Enquiry Officer and accordingly workman's appeal was rejected by him. The conclusion of the Enquiry Officer is fully based on the material available on record. Hence no interference is required by this court. This view is supported by Supreme Court cases (7) 1996 Page-509, State of Tamil Nadu versus S. Subramaniam, AIR-1988-SC-37-Christian Medical College Hospital Employees Unions case.

10. In view of the aforesaid discussions it is held that the charges of misconduct had been properly proved on the facts of the case during the Enquiry Proceedings. Issue No. 3 is answered accordingly.

11. Issue No. 4 : The workman had voluntarily confessed that the shortage of 660 tins of palmolein oil was detected during his duty hours. He could not explain the shortage satisfactorily before the Enquiry Officer and therefore his defence plea was rejected by him. This shortage has necessarily caused substantial financial loss to the management. The workman was holding a sensitive post of chowkidar and his duty was to protect the property of the Corporation. He failed to discharge his duty with sincerity and diligence. His action was in a manner which is unbecoming of an employee. The management has accordingly lost confidence in him. In view of this fact, no management can employ such employee whose action is detrimental to its interest. In the circumstance of the present case, the punishment of dismissal awarded to the workman does not appear to be disproportionate or excessive hence the finding on this point also does not require any interference.

12. Issue No. 4 : The punishment of dismissal is accordingly held to be proper and legal. Issue No. 4 is answered accordingly.

13. Issue No. 5 : On the reasons stated above, the workman is not entitled to reinstatement with all back wages and other financial benefits as claimed by him. The reference is accordingly answered in the favour of the management and against the workman.

14. Copy of the award be sent to the Govt. of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 14 फरवरी, 2001

का.प्रा. 455.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार हिन्दुस्तान कॉपर लि. के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुसूचन में निर्दिष्ट औद्योगिक

विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-2-2001 को प्राप्त हुआ था।

[सं. एल.-43012/8/99-आई. आर. (एम)]

बी.एम. डेविड, घनर सचिव

New Delhi, the 14th February, 2001

S.O. 455.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Govt. Industrial Tribunal-cum-Labour Court, Jaipur (Rajasthan) as shown in the Annexure, in the industrial dispute between the employers in relation to the Hindustan Copper Ltd. and their workman which was received by the Central Government on 2-2-2001.

[No. L-43012/8/99-IR(M)]

B. M. DAVID, Under Secy.

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर
प्रकरण संख्या : सी. आई. टी. जे-69/99

आदेश संख्या एल-43012/8/99/आई. आर. (एम)
17-11-99

जगतसिंह पुत्र श्री मंगलूराम, टर्नर बी, कोड न. 19048, यांत्रिक विभाग, खेतड़ी कापर काम्पलेक्स हिन्दुस्तान कापर लिमिटेड खेतड़ीनगर, झुंझनू हाल निवासी गांव बेबल, जिला महेन्द्रगढ़ (हरियाणा)

—प्रार्थी श्रमिक

बनाम

हिन्दुस्तान कापर लिमिटेड, खेतड़ी कापर काम्पलेक्स, ज़रिए प्रसिस्टेन्ट जनरल मैनेजर (पर्सनल), खेतड़ीनगर झुंझनू राजस्थान

—अप्रार्थी नियोजक

उपस्थित : —

प्रार्थी की ओर से श्री एच.सी. गनेशिया ।
श्रीमती चित्रा गोयल ।

अप्रार्थी की ओर से श्री अशोक वर्मा

पंचाट दिनांक 30/11/2000

पंचाट

केन्द्रीय सरकार के द्वारा निम्न विवाद औद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में अधिनियम, 1947 कहा गया है) की धारा 10 की उपधारा (1) के खंड ब के प्रावधानों के अन्तर्गत न्यायनिर्णयन हेतु निर्देशित किया गया :—

“Whether the action of the management of Khetri Copper Complex, Khetri Nagar, in terminating the services of Shri Jagat Singh vide order dated 8-2-93 is justified? If not, to what relief the workman is entitled and from which date?”

प्रार्थी की ओर से स्टेटमेंट ग्राफ क्लेम प्रस्तुत किया गया जिसमें उल्लेख किया गया कि विपक्षी संस्थान में उसकी नियुक्ति दैनिक वेतनभोगी कर्मचारी के रूप में दिनांक 3-4-69 को हुई थी। बाव में उसे सेवा में नियमित करते

हुए टर्नर “बी” के पद पर पदोन्नति दी गई। दिनांक 19/12/90 को उसे निम्न आरोप से आरोपित किया गया :—

“कि आप दिनांक 15/12/90 को प्रथम पारी (सुबह 6.00 बजे से दोपहर 2.00 बजे तक) मशीन शाप में ड्यूटी पर थे तो लगभग 01.25 बजे स्कूटर से प्लांट से बाहर मुख्य द्वार की ओर जा रहे थे तो वेयर हाउस के गेट के सामने की रोड पर आपके स्कूटर (बजाज चेतक नम्बर कुछ नहीं) के इंजन का ठक्कन खुलने के कारण रोड पर गिर गया जिसकी आवाज सुनकर वेयर हाउस के सीआईएसएफ के श्री प्रेमनाथ नं. 832300217, सन्तरी (प्रारक्षक) स्कूटर के पास आया तो आप ठक्कन उठाकर वापिस स्कूटर पर फिट कर रहे थे और स्कूटर के पास ही कपड़े में लिपटा हुआ कुछ सामान पड़ा था और जब आपसे सन्तरी ने पूछा कि इस कपड़े में क्या है तो आपने बताया कि इसमें तांबे के पाइप के टुकड़े हैं। सन्तरी ने कपड़े को खोलकर देखा तो उसमें तांबे के पाइप के पांच टुकड़े थे और सन्तरी ने आपके स्कूटर का ठक्कन द्वारा खुलवाया तो देखा इंजन के उपर एक तांबे का पाइप का टुकड़ा रखा हुआ था। तांबे के पाइप के छह टुकड़ों का वजन लगभग 8.00 किलोग्राम था और जिसकी कीमत लगभग 400.00 रुपये हैं जिन्हें आप अनाधिकृत रूप से चुरा कर ले जा रहे थे। तांबे के पाइप के यह टुकड़े चुराकर ले जाते हुए आपको रंगे हाथों पकड़ा गया था। यह पाइप के टुकड़े आपने मशीन शाप से उठाये थे जो कि कम्पनी की सम्पति थी एवम् आप इन्हें संयंत्र से चोरी से बाहर ले जा रहे थे।

आपका यह उपर्युक्त वर्णित कार्य आदर्श स्थाई आदेश की धारा 14(3) (बी), सी एवं (एच) जो आप पर लागू हैं, के अन्तर्गत दुराचरण की परिभाषा में आता है।”

उक्त आरोप के बावत जांच अधिकारी नियुक्त किया गया। प्रबन्धक की ओर से साक्ष्य प्रस्तुत की गई। बचाव में प्रार्थी स्वयं उपस्थित हुआ। जांच के पश्चात् जांच अधिकारी ने प्रार्थी को बोली पाया व जांच अधिकारी की रिपोर्ट के आधार पर अनुशासनिक प्राधिकारी ने दिनांक 2-2-93 को प्रार्थी को कारण बताओ नोटिस दिया। नोटिस के साथ जांच रिपोर्ट की प्रतिलिपि प्रार्थी को उपलब्ध नहीं कराई गई जिस कारण प्रार्थी अपना स्पष्टीकरण प्रस्तुत करने में असमर्थ रहा। दिनांक 6-2-93 को प्रार्थी के द्वारा प्रार्थना पत्र प्रस्तुत कर जांच रिपोर्ट की प्रतिलिपि व जांच कार्यवाही की प्रति मांगी परन्तु उक्त दस्तावेज उपलब्ध नहीं कराए गए व आदेश दिनांक 8-2-93 से उसे सेवा से बर्खास्त कर दिया गया, जो कि विधि विरुद्ध एवं नैसर्गिक न्याय के सिद्धान्तों के प्रतिकूल था। प्रार्थी को उसके विरुद्ध की गई शिकायत की प्रतिलिपि भी उपलब्ध नहीं कराई गई व प्रारम्भिक जांच के दौरान लेखबद्ध किए गए गवाहों के कथनों की प्रतिलिपि भी उपलब्ध नहीं कराई गई, जिससे प्रार्थी को यह पता नहीं लगा कि कौन सा साक्षी उसके विरुद्ध क्या

साक्ष्य देगा जिस कारण वह उनसे उचित रूप से प्रति-परीक्षा नहीं कर सका। शिकायत के अभाव में प्रार्थी यह नहीं जान पाया कि वास्तव में उसके विरुद्ध किसने व किस प्रकार शिकायत की व वह समचित्त वचाय नहीं कर सका। जांच अधिकारी ने मनमाने तौर पर बिना किसी आधार के प्रबन्धक का पक्ष लेते हुए प्रार्थी को दोषी करार दे दिया, जबकि रिकार्ड पर उपलब्ध साक्ष्य से उसके विरुद्ध आरोप प्रमाणित नहीं थे। प्रार्थी ने दण्डादेश के विरुद्ध विभागीय अपील प्रस्तुत की, जिसे महाप्रबन्धक ने आदेश दिनांक 27-9-93 के द्वारा निरस्त कर दिया। अपिलीय अधिकारी ने यह नहीं देखा कि रिकार्ड पर उपलब्ध साक्ष्य से आरोप प्रमाणित है या नहीं एवं दण्डादेश समुचित है या नहीं एवं प्रार्थी की अपील को सरसरी तौर पर खारिज कर दिया। प्रार्थी के विरुद्ध लगाई गई चोरी की घटना के संबंध में पुलिस थाना खेतड़ीनगर में प्रथम सूचना प्रार्थी के विरुद्ध दर्ज कराई गई जिस पर फौजदारी प्रकरण संख्या 392/90 दर्ज हुआ। न्यायालय सिविल जज एवं अपर मुख्य न्यायिक मजिस्ट्रेट ने निर्णय दिनांक 9-1-97 के द्वारा प्रार्थी के विरुद्ध आरोप प्रमाणित नहीं पाए व उसे दोषमुक्त कर दिया। फौजदारी प्रकरण में उदयवीर सिंह व महेन्द्र सिंह बतौर साक्षी प्रस्तुत हुए थे, जिनकी साक्ष्य के तौर पर माननीय न्यायालय ने आरोप साबित करने हेतु उचित व पर्याप्त नहीं माना। ऐसी दशा में उन्हीं साक्ष्यों के कथनों पर विभागीय जांच में प्रार्थी को दोषी करार देना अनुचित है। प्रार्थना की गई कि प्रार्थी की भवागुणित आदेश दिनांक 8-12-93 को अनुचित व गैर-मान्यता करार दिया जाए, व विपक्षी को आदेश दिए जाए कि प्रार्थी को समस्त वेतन व अन्य परिलाभों सहित सेवा में पुनः नियोजित किया जाए।

अप्रार्थी की ओर से स्टेटमेंट ऑफ बीम का जवाब प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि प्रार्थी को विभागीय जांच में सम्पुष्ट साक्ष्य द्वारा दोषी घोषित किया गया। प्रार्थी प्रारम्भ से अन्त तक जांच कार्य में उपरिष्ठत रहा था व प्रत्येक तथ्य, साक्ष्य प्रार्थी को गुलम व उपलब्ध थी। इस कारण, कारण बताओ नोटिस का स्पष्टीकरण प्रस्तुत करने में प्रार्थी के हितों पर कोई प्रतिकूल प्रभाव न पड़ा। प्रार्थी को जांच कार्यवाही की प्रतिनिधि भी उपलब्ध करवाई गई, जिसका प्रार्थी से ने पूर्ण अवलोकन कर अपील प्रस्तुत की थी। प्रार्थी को साक्षियों की सूची उपलब्ध कराई गई थी। इस तथ्य को अस्वीकार किया गया कि प्रार्थी को साक्षियों के बयान की जानकारी नहीं थी। प्रार्थी ने जालबूझकर स्वयं के विभाग में काम आने वाले सामान का जवाब सही सही नहीं दिया था। उसके विरुद्ध स्वयं की स्वीकारोक्ति की धुष्टि होने के कारण भी संदेह से परे दोष सिद्ध हुआ। आपराधिक कृत्य हेतु न्यायालय द्वारा बिना संदेह आरोप सिद्ध करने एवं घरेलू जांच में मिद्धान्तों में अन्तर है। प्रार्थी ने जांच रिपोर्ट की प्रति पढ़ व समझकर अपील प्रस्तुत की थी। राजकीय उपक्रम में अन्य कर्मचारियों में अनुशासन बनाये रखने का दृष्टिगत रखते हुए ही दण्डा-

देश दिया गया था, जो कि उचित एवं न्याय संगत है। प्रार्थी की जांच के दौरान प्राकृतिक न्याय के मिद्धान्तों की कोई अवहेलना नहीं की गई व नियमानुसार विभागीय जांच की जा कर प्रार्थी के विरुद्ध दोष सिद्ध पाया गया। मात्र फौजदारी प्रकरण में दोषमुक्ति से प्रार्थी को सेवा में पुनः स्थापित होने का कोई अधिकार प्राप्त नहीं होता।

आदेश दिनांक 9-11-2000 के द्वारा प्रार्थी के विरुद्ध जांच उचित मानी गई।

प्रार्थी के विद्वान अधिवक्ता का तर्क है कि जब प्रार्थी को आपराधिक प्रकरण में उक्त आरोप से दोषमुक्त कर दिया गया तो विभागीय जांच में उसको दोषसिद्धि को ध्यावत नहीं रखा जा सकता। उन्होंने अपने तर्क के समर्थन में 1999 एस.सी.सी. (एल एण्ड एस) पृष्ठ 810 केप्टन एन. पॉल एन्थोनी बनाम भारत गोल्ड मार्क्स लिमिटेड व अन्य को उद्धृत किया है। उक्त मामले में माननीय उच्चतम न्यायालय के समक्ष विचारणीय प्रश्न था कि क्या विभागीय जांच की कार्यवाही व फौजदारी प्रकरण की कार्यवाही एक ही तथ्यों पर एक साथ जारी रह सकती है। उक्त मामले में अपीलार्थी के विरुद्ध फौजदारी प्रकरण व विभागीय जांच की कार्यवाही एक ही तथ्यों पर आधारित थी। फौजदारी प्रकरण में अपीलार्थी दोषमुक्त हो गया था जबकि विभागीय जांच में जो कि एकपक्षीय थी, अपीलार्थी को दोषी पाया गया था। उक्त मामले में जोरत निर्वाह जना अपीलार्थी को विभागीय जांच के दौरान नहीं दिया गया था। विभागीय जांच में अपीलार्थी को जांच कार्यवाही की रणित किए जाने की प्रार्थना जो कि मेडिकल प्रमाणपत्र से परामर्शित थी, को अस्वीकार कर दिया गया था व प्राकृतिक न्याय के सिद्धान्तों की अवहेलना कर एकपक्षीय कार्यवाही कर अपीलार्थी को दण्डित किया गया था। ऐसी दशा में जांच अधिकारी के द्वारा एक पक्षीय रिपोर्ट जारी करना दूषित पाया गया। विभागीय जांच व फौजदारी प्रकरण में प्रस्तुत की गई साक्ष्य एक ही थी, कोई अन्तर नहीं था। इन परिस्थितियों में अपीलार्थी की दोषसिद्धि को निरस्त किए जाने का आदेश यथावत रखा गया। दूसरी ओर, निम्नी के विद्वान अधिवक्ता ने 1997 लैब आई.सी. पृष्ठ 3297 दतू बालू सांगर बनाम दी डाक्स मनेजर-बाम्बे पोर्ट ट्रस्ट व एक अन्य को उद्धृत किया है। उक्त मामले में अपीलार्थी को पोर्ट ट्रस्ट की सन्धति को चोरी अवका कपट एवं बेईमानी का आरोप लगाया गया था जबकि प्रारम्भिक प्रकरण में केवल चोरी का आरोप लगाया गया व उसे संदेह के आधार पर दोष-मुक्त किया गया था व इस प्रकार दोनों जांचों में महत्वपूर्ण भिन्नता थी व इस कारण यह नहीं कहा जा सकता था कि फौजदारी प्रकरण में प्रस्तुत किए गए साक्ष्यों को घरेलू जांच में साक्ष्य देने पर उसके कथन पर अविश्वास किया जाए।

प्रार्थी के विरुद्ध प्रथम सूचना से प्रकट होता है कि उसके विरुद्ध धारा 379 भारतीय दण्ड संहिता का आरोप फौजदारी प्रकरण में लगाया गया था जबकि विभागीय जांच में उसके विरुद्ध आरोप सम्पत्ति की सम्पत्ति या व्यापार में

चोरी या छल कपट व्यवहारी, कर्मचारी की मर्यादा व सामान का नुकसान अनुशासनहीनता पूर्वक कार्य करने के बारे में आरोप लगाया गया जो आरोप विभागीय जांच में उसके विरुद्ध प्रमाणित पाया। अतः यह नहीं कहा जा सकता कि विभागीय जांच व फौजदारी प्रकरण में प्रार्थी के विरुद्ध समान आरोप थे। यह भी प्रमाणित नहीं है कि फौजदारी प्रकरण व विभागीय जांच में एक ही साक्ष्य प्रस्तुत की गई थी। इन परिस्थितियों में प्रार्थी के विद्वान अधिवक्ता के द्वारा उद्धृत न्याय दृष्टान्त 1999 एस.सी.सी. (एल एण्ड एस) (पृष्ठ 810 से प्रस्तुत मामले में कोई सहायता नहीं मिलती। विभागीय जांच में साक्ष्य के आधार पर प्रार्थी के विरुद्ध लगाये गये आरोपों में उसे दोषी पाया गया। 199(5) एस.सी.सी. 762 बैंक ऑफ इण्डिया बनाम डेगला सूर्य-नारायण के मामले में माननीय उच्चतम न्यायालय ने यह अभिनिर्धारित किया है कि न्यायालय तथ्यों के निष्कर्ष के मामले में अपीलीय अधिकारी के समान हस्तक्षेप नहीं कर सकता जब तक कि निष्कर्ष ऐसा न हो कि कोई व्यक्ति युक्तिपूर्वक रीति से उक्त निष्कर्ष पर नहीं पहुंच सकता था। ऐसा ही सिद्धान्त 1999 (2) एस. सी. सी. कुलदीप सिंह बनाम कमिश्नर ऑफ पुलिस के मामले में अभिनिर्धारित किया गया है। प्रार्थी के विद्वान अधिवक्ता का यह तर्क नहीं है कि विभागीय जांच में साक्ष्य के आधार पर प्रार्थी के विरुद्ध आरोप प्रमाणित करने हेतु साक्ष्य उपलब्ध नहीं है। विभागीय जांच में प्रस्तुत साक्ष्य के आधार पर प्रार्थी के विरुद्ध लगाए जाे आरोपों की दोषसिद्धि के बावत साक्ष्य उपलब्ध है। ऐसी दशा में प्रार्थी की दोषसिद्धि को अनुचित नहीं कहा जा सकता।

प्रार्थी के विद्वान अधिवक्ता ने 1990 (2) एस. एल. आर. पृष्ठ 62 एक्स-सिपोय हरवान चक्रवर्ति बनाम यूनियन ऑफ इण्डिया व अन्य को उद्धृत किया है। उक्त मामले में सभी सहअभियुक्तों को मुख्य अभियुक्त के सहित आपराधिक आरोपों से सिवाय याची को दोष-मुक्त कर दिया था। मुख्य आरोपी को चोरी के आरोप से एवं अन्य को दुष्प्रेरणा के आरोप से आरोपित किया गया था। मुख्य आरोपी को सेवा में बहाल कर दिया गया था। याची को सेवा से बर्खास्त कर दिया था। माननीय उच्चतम न्यायालय ने याची को दोषमुक्त कर दिया व सभी परिलाभ प्रदान करने का आदेश दिया। प्रस्तुत मामले के तथ्य उक्त मामले से भिन्न हैं व उक्त न्याय दृष्टान्त प्रस्तुत मामले में सुसंगत नहीं है। प्रार्थी के विरुद्ध लगाये गये दोषसिद्धि के आरोप गम्भीर प्रकृति के हैं, जिनके आधार पर प्रार्थी की बर्खास्ती के दण्ड को अनुचित नहीं कहा जा सकता। वैसे भी माननीय उच्चतम न्यायालय ने 1998 एस. सी. सी. (एल एण्ड एस) 316 इंस्पेक्टिंग असिस्टेंट कमिश्नर बनाम शरत नारायण के मामले में यह अभिनिर्धारित किया है कि न्यायालय दण्ड के प्रश्न के बारे में विचार नहीं कर सकता जब तक कि उसका सेवा दृष्टिकोण न हो कि दण्डादेश ऐसा है कि कोई विवेकशील व्यक्ति ऐसा दण्ड दे ही नहीं सकता था। मेरी राय में

दण्डादेश इस प्रकार का नहीं है कि आरोप की तुलना में दिया गया दण्ड अधिक है।

इस प्रकार अप्रार्थी के द्वारा प्रार्थी की सेवामुक्ति के आदेश दिनांक -8-2-93 को उचित पाया जाता है एवं प्रार्थी कोई सहायता प्राप्त करने का अधिकारी नहीं है।

पंचाट की प्रतिलिपि केन्द्रीय सरकार को अधिनियम 1947 की धारा 17 की उपधारा (1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जाए।

ह./-

पीठासीन अधिकारी

नई दिल्ली, 14 फरवरी, 2001

का.आ. 456— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-2-2001 को प्राप्त हुआ था।

[सं.एन-22012/357/97-आई.आर. (सी-II)]

एन. पी. केशव, डैस्क अधिकारी

New Delhi, the 14th February, 2001

S.O. 456.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal/Labour Court, Hyderabad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on 12-2-2001.

[No. L-22012/357/97-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri Syed Abdullah, B.Sc., B.L.,
Industrial Tribunal-I.

Dated, 19th day of December, 2000

Industrial Dispute No. 4 of 1999

BETWEEN

The General Secretary, S.C.,
Fillers Association (SAAJAC),
19-1-112/1, Markandey Colony,
Godavarikhani-505 209.

.. Petitioner.

AND

The General Manager (P),
Singareni Collieries Company,
Limited, Kothagudem-507 101.

.. Respondent.

APPEARANCES :

Sri K. Vasudev Reddy, Advocate for the Petitioner.

M/s. J. Partha Sarathy, V. Hariharan and
A. Chandrasekhar, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi by its order No. L-22012/35/97-IR (C-II) dt. 18-11-99 referred the following Industrial Dispute under Section 10(1)(d) and Sub-Section 2(A) of Industrial Disputes Act, 1947, to this Tribunal for adjudication:

"Whether the action of the management of S.C.C. Ltd., Kothagudem in not paying HRA/CCA at the rate of 10 per cent of the basic pay to the eligible employees working in Class 'C' towns such as Kothagudem, Ramagundam and Bellampalli and in not giving 5 meters cloth once in every six months to coal fillers for using as Head Gear below the Bamboo Basket are justified? If not, what relief the workmen are entitled?"

Both parties appeared and filed their respective pleadings.

2. The President of Singareni Collieries Company Fillers Association (SAAJAC) Godavarikhani filed claims statement. The averments made in it are as follows: The association approached the management for redressal of their grievance. As there was no response, a strike notice was issued. Thereafter conciliation was made which ended in failure. 16 Demands were raised by the petitioner-union out of which 2 demands were referred.

3. The towns namely Bellampalli, Mandamarri, Ramagundam and Kothagudem have been classified as 'C' Grade towns by the Government of India. The service conditions of the workmen of Coal Industry will be decided by way of National Coal Wage Agreement (NCWA) once in 4 years.

All the managements of Coal Companies and all the major unions are parties to the National Coal Wage Agreement. In National Coal Wage Agreement IV, it was agreed to pay 10 per cent of basic as H.R.A. to the workmen of Coal Industry. Accordingly implementation instruction No. 46 dated 26-8-93 was issued as to the decision taken by the (Standardisation Committee of NCWA-IV. It was agreed to adopt the pattern of C.C.A. and H.R.A. for the workmen of Coal Industry on par with Central Government employees. The decision is binding on all the Coal Companies. Even then, the management has not been implementing the same except paying some paltry sum of Rs. 60 per month. The Coal Fillers have to lift the coal after blasting and fill the same in tubs, while doing so, fillers have to lift the coal in Bamboo Basket. If the roof is sufficiently placed they can lift the coal on their heads, sometimes the height of roof will be less than 4 or 6 feet, they may have to carry to coal on their heads or back in bamboo basket without any protection. Thereby the management has to provide 5 meters of cloth so as to wear it as Head Gear to protect their body which will be convenient and proper. But the management has refused to accept the same. Therefore it is prayed to declare the action of the management in not paying HRA/CCA at 10 per cent of their basic pay to the eligible employees working in Class 'C' Towns as per N.C.W.A.-IV and also in not giving 5 Meters of cloth once in every 6 months to coal fillers for using Head Gear below the Bamboo Basket, as illegal and arbitrary and consequently to direct the management to pay HRA/CCA at 10 per cent of the basic pay to its employees working in Class 'C' towns and to supply 5 Meters of cloth once in 6 months to coal fillers.

4. The respondent-Management filed counter which is as under: Though strike notice dated 18-4-97 was issued over charter of 15 demands including the issues covered by the present reference but there was no strike call except a token strike on 19-5-97 given. Asstt. Labour Commissioner (Central) held the conciliation proceedings on 16-5-1997 and 17-5-1997. He advised the union not to go on strike. No settlement was arrived for negotiations. The recommendations are applicable to all Coal Companies including Singareni Collieries Company Limited subject to certain modifications, suiting to the local conditions of the coal companies. The petitioner union being a Craft association has no representation status in the JBCCI. The Singareni Collieries Company Limited incurred losses which is accumulated in excess of Rs. 1200 crores on 31-3-97 as such became sick under the Sick Industrial Company Act. Thus the company is not in a position to bear the additional expenditure. The union issued another strike notice on 13-9-97 for 16 demands proposing to organise an indefinite strike from 28-10-97. Except demand No. 16 all other demands were covered in the earlier strike notice dt. 18-4-97. Conciliation Proceedings were held on 27th and 28th October,

1997. It was agreed by the union not to go on indefinite strike which was proposed from 28-10-97. However, the illegal strike continued in Ramagundam Region upto 3-11-97 and in Bellampalli Region upto 11-11-97 resulting in loss of production to the tune of 1,80,318 tonnes. As per the provisions of NCWA, C.C.A. will be paid to A Class Cities, B-1 Class Cities and B-2 Class Cities and employees covered under C Class towns are not eligible for payment of C.C.A. Kothagudem, Ramagundam and Bellampalli are covered under 'C' Class towns and hence the employees working in these towns are not eligible for payment of C.C.A. Payment of H.R.A. at the rate of 10 per cent of basic pay to the employees working in 'C' Class Cities is effective from 1-7-91 as per re-classification of cities/towns as circulated wide Implementation Instruction No. 46 dated 26-8-1993 of NCWA-IV. The workers of Bellampalli, Ramagundam and Kothagudem are classified as 'C' Class Towns and the workers who are working in Mine and where no quarters allotted are eligible for HRA at Rs. 60 per month which was being paid on par with the employees residing in other than three urban 'C' Class Towns. The workers posted in Mines and Departments which are not located within the urban limits of Bellampalli, Ramagundam and Kothagudem are not eligible for payment of HRA at the rate of 10 per cent of basic pay, but they are continued to be paid Rs. 60 per month towards HRA. About 1,10,000 employees including 2500 executives are working. About 42,000 companies quarters are allotted to NCWA employees. Only 69,500 employees are not allotted company quarters. The workers posted in Mines and Departments situated within the urban limits of the 3 towns are concerned, 15,428 employees are not allotted quarters out of 25,298 employees employed. As on date all these 15,428 employees are being paid HRA at Rs. 60 per month on par with other employees not allotted with quarters and working in the areas other than 3 'C' Class Towns. The above 3 'C' Class Towns are so geographically situated that if HRA @ 10 per cent of the basic pay is implemented it will cause heart burn to the employees working in the mines and departments which are located just adjacent within a distance of 100 meters to a Kilometer. An employee working in a department situated in urban limit and an employee working in a mine which is adjacent to the department, but outside the urban limits both of them are not allotted with company quarters happened to reside in the private house in the same locality. So this issue was discussed with 5 affiliated unions and considered the implications arising out of the implications of this issue and it was decided to find out the ways and means in due course through further discussions. The workers of the present union are handful only to have raised the demands for strike notice. The provisions of NCWAs are recommendatory which are liable to be modified through Tripartite settlement under I.D. Act with the consent of S.C. Workers Union which is a recognised union by the company to suit the local conditions in the industry and to serve the best interests of the workmen.

5. As regards providing of 5 Meters of cloth once in every six months it would affect the financial position leading to serious and acute problems. As such this demand is not at all justified. No reasons are given justifying the claim and that claim is not justified. Hence prayed to dismiss the claim.

6. The point for adjudication is whether the demand for payment of HRA and for supply of 5 Meters cloth once in every six months to the Coal Fillers as demanded by the union is justified? And to what relief?

7. On the side of the petitioner union the President was examined stating that the union is a registered union covered by Ex. W1 certificate. Some of the unions of Singareni Collieries formed into a Federation. Ex. W2 strike notice was given on 18-4-1997 and in pursuance of it, discussions were held and minutes were entered into on 18-5-97 covered by Ex. W3. But the minutes are not implemented by the Management in which the demands were agreed. So strike notice was issued. Conciliation was held before the Regional Labour Commissioner which ended in failure. In respect of payment of other allowances and wage structure etc., the N.C.W.A. agreement was entered into between JBCCI and the managements of all the coal companies. Out of 16 demands raised in the strike notice only 2 demands were referred in this dispute. At the national level it was agreed to pay HRA/CCA at 10 per cent of basic pay to the workers working in 'C' Class Cities. The cloth is

required for coal fillers for using as Head-gears lift the coal. Ex. W4 is the proceedings issued by Western Coal Field for payment of 10 per cent of basic pay as HRA. Ex. W5 is the implementation instruction No. 46 dated 26-8-93 issued by JBCCI and Ex. W6 is the office memorandum dated 14-9-93 issued by Government of India and as per Annexure, 'C' Class Cities are noted. Ex. W7 is the chapter V of memorandum of agreement of NCWA 5 agreeing to pay 10 per cent of HRA/CCA as compensation. Ex. W8 is the chapter 8 of NCWA 5. Ex. W9 is the circular dated 11-11-89 prescribing 10 per cent of basic pay to the employees working in 'C' Class Cities. The workers are being paid Rs. 60 as consolidated HRA/CCA which is not sufficient. The employees working at Hyderabad and New Delhi are being paid HRA/CCA as per agreement.

8. As against the above evidence of the union, the management was examined its Sr. Personnel Officer who deposed that the management has entered into agreement with the recognised union on 21-2-2000 covered by Ex. M1 agreeing to pay HRA and CCA with effect from 1-1-2000 which is being implemented as per Ex. M2 circular dated 1-6-2000. So this issue need not be adjudicated at all. Regarding Demand No. 2 the safety helmets, footwear, caplamp and baskets for loading the coal are provided to the workers which are compulsory. Supply of 5 Meters headgear cloth is not made in any rule. Wearing of turban or headgear is an option and individual convenience which has nothing to do with the safety measures. Ex. M3 is the DGM's Instructions about providing safety helmets. As on 31-3-2000 the company has accumulated loss of Rs. 637 crores. In the said circumstances, the demand is not justified.

9. The dispute covered by the reference relates to two demands: (1) for payment of HRA/CCA at the rate of 10 per cent of basic pay to the eligible employees working in 'C' Class towns namely Kothagudem, Ramagundam and Bellampalli and (2) not providing 5 Meters cloth once in every 6 months to the coal fillers for using as Head Gear below the Bamboo Basket.

10. Demand No. 1:—During pendency of the dispute both the management and the recognised union have entered into an agreement on 21-2-2000 covered by this demand agreeing to pay HRA/CCA with effect from 1-1-2000 and in this regard Ex. M2 circular dated 1-6-2000 was issued. As Ex. M1 agreement followed by Ex. M2 circular was issued, it was urged by the management that the dispute need not be decided at all. Whereas the union's contention is that the agreement was entered into during pendency of the dispute and in case no directions are issued by this Tribunal confirming the entitlement of HRA/CCA at 10 per cent, the management may not implement Ex. M1 agreement taking advantage of the fact that this Tribunal has not granted the relief.

11. Undisputedly, the management has agreed to enter into an agreement in accordance with implementation instruction No. CIL/JBCCI/5.1.1. No. 7/26.26 dated 22nd December, 1991 under the provisions of NCWA-V followed by Office Memorandum No. 2(2)/93-E.II(B) dt. 14-5-93 of Director of Government of India, Department of Expenditure, Ministry of Finance and through its implementation instruction No. CIL: C-5B: TMP: JBCCI-IV: 1.1 No. 46: 4695 dt. 26-8-1993 extending the benefit to the notified 'C' Class towns located in the Coal Belt Area of Kothagudem, Ramagundam and Bellampalli. As the agreement was entered into under Section 12(3) of I.D. Act pending disposal of the dispute there cannot be any refusal by the management to extend the benefit in future. The terms and conditions of Ex. M1 agreement binds the management for its implementation by means of Exs. M2 circular dt. 1-6-2000 issued. In view of the apprehension of the union, that the management may deny the payment in the absence of any direction in respect of this relief, it is desirable to direct the management to abide by Ex. M1 terms and condition for payment of 10 per cent HRA as agreed upon.

12. Demand No. 2:—The union has put forth the grievance that the Coal Fillers have to lift the Bamboo Baskets on their heads and in case the roof at the mines is at low level they have to carry the load on their shoulders. So some cloth support is required as such it is necessary that the workers are to be supplied with cloth as a Head Gear for the purpose of covering the coal baskets either on

the head or on their shoulders by protecting with cloth. On the other hand the management's advocate strong objection is that throughout India there are several coal mines and in respect of providing safety measures etc., statutory rules and circulars are issued from time to time at the National Level after taking into consideration of the grievance of the unions and in respect of this demand no such issue was raised by any of the unions except the petitioner-union of Singareni Collieries Company Limited and in the absence of any specific provision for in the rules and circulars, the management cannot be compelled to yield to the demand.

13. Ex. M3 D.G.M.S. Circulars are relied to show that considering the hazards in the work, safety measures are provided to the coal fillers for carrying the load on their heads. So also some alternatives are provided which are to be followed and other than the instructions given in Ex. M3, the management cannot be compelled to do so. In Ex. M3 under heading 'CMR 191A/MMR 182A of item 2: in respect of use of safety helmets by loaders, the following guide lines are given:

2. Use of safety helmets by loaders:—Some difficulty has been experienced to enforce the statutory requirements in case of the loaders, who carry loaded baskets on heads. The loaders seem to find it difficult to adopt themselves to the helmets with the head loads.

There appear to be following three alternatives to solve the problem of loaders.

- (1) The loaders should be provided with helmets fitted with adjustable chin straps. They should put on the helmet when actually not carrying a head load, but while they are engaged in carrying such loads, they may remove the helmet from the head and throw it over on to their backs.
- (2) The loaders change the mode of carrying the load by the putting it on their shoulders, and wear the helmet with a chin strap to permit it from falling off their head while carrying the shoulder loads.
- (3) The head load to be carried over the top of the head with a ring type of padding permanently fixed to the helmet (by means of soft wire like used detonator loads) serving to provide a 'seat' for the basket. In this case a band of cloth may be tied around the forehead to provide a cushion between the helmet and the forehead.

One of the above mentioned three alternative may be adopted whichever is preferred by the loaders. The method of Serial No. 2 would appear to be particularly suitable for thin seams. The practice at Serial No. 3 has been actually adopted at some of the mines with complete success. The 'ring' is made locally by the loaders and it is of the same design as is at present commonly used by persons while carrying head loads.

Foresceing the hardship involved in carrying the coal baskets by the fillers some guide lines are mentioned above, as such there is no necessity for compelling the management to agree for present demand, which guidelines the management should follow to mitigate the hardship of the workers while they carry the loaded baskets. With the above observation the reference relating to the two demands have been answered.

14. In the result an award is passed according to the discussions made in respect of the demand Nos. 1 and 2. There is no order as to costs.

Dictated to the Steno-typist transcribed by him, corrected by me and given under my hand and the seal of this Tribunal on this the 19th day of December 2000.

SYFD ABDULLAH, Industrial Tribunal-I

Appendix of Evidence:

Witnesses Examined
for Petitioner:

WW1 D. Satyanarayana

Witnesses Examined
for Respondent:

MW1 M. V. Sastry

Documents marked for the Petitioner :

- Ex. W1 Certificate of registration of Trade Union of Singareni Collieries Fillers Association, Mandamam dt. 30-4-1994.
- Ex. W2 Strike Notice issued by the union on 18-4-97.
- Ex. W3 Minutes of Conciliation held on 18-5-97.
- Ex. W4 Proceedings issued on 15-3-94 for grant of HRA and CCA.
- Ex. W5 Implementation Instruction No. 46 in circular dt. 26-8-93 about grant of house rent allowance and C.C.A. to 'C' Class towns.
- Ex. W6 Office Memorandum dt. 14-5-93 issued by the Government of India regarding classification of cities in India.
- Ex. W7 Chapter 5 of NCWA-V (xerox copy).
- Ex. W8 Chapter 8 of NCWA (xerox copy).
- Ex. W9 Circular of implementation instruction issued on 11-11-89 about implementation of the wage structure and other provisions of NCWA-IV dt. 27-7-89.

Documents marked for the Respondent :

- Ex. M1 Circular dt. 24-2-2000 enclosing Memorandum of settlement dt. 21-2-2000 about 44 demands.
- Ex. M2 Circular dt. 1-6-2000 about payment of HRA at 10 per cent basic pay to the employees posted to work in 'C' Class Towns as per NCWA-V dt. 21-2-2000.
- Ex. M3 D.G.M Circulars regarding use of safety helmets by loaders etc.

नई दिल्ली, 14 फरवरी, 2001

का.आ. 457.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार एम.सी.सी.एन. के प्रवर्धन के संबंध नियोजकों और उनके कर्मकारों के बीच, अन्वय में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय गोदावरी खानी के पचाड को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-02-2001 को प्राप्त हुआ था।

[सं.एन-22025/25/2000-आई.आर. (सी-II)]
एन. पी. कोषवन, डैस्क अधिकारी

New Delhi, the 14th February, 2001

S.O. 457.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal/Labour Court, Godavari-khuni as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on 13-2-2001.

N. P. KOSAVAN, Desk Officer
ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L.,
Chairman-cum-Presiding Officer

Tuesday, the 16th Day of January, 2001
Industrial Dispute No. 53 of 1998

BETWEEN :

Nakka Satyanarayana,
S/o Ramulu,
Age 48 years, Occ : Mining Sardar in
RK-5 Incline, S.C. Co. Ltd.,
Ramakrishnapur Division-III,
R/o. Or. No. Spl. C-90, R.K. Colony,
C.C.C. Naspur, R/m Mancherial,
Dist. Adilabad. ... Petitioner

AND

1. The General Manager,
Ramakrishnapur, S. C. Co. Ltd.,
Ramakrishnapur, Dist. Adilabad.
2. The Colony Manager,
RK-5 Incline, S. C. Co. Ltd.,
Ramakrishnapur Division-III,
Post : C.C.C. Naspur-504208,
Dist. Adilabad. ... Respondents

This petition coming before me for final hearing in the presence of Sri K. Sudhakar Reddy, Advocate for the petitioner and of Sri C.S.N. Reddy, Advocate for the respondents and having stood over for consideration till this date the court passed the following :—

AWARD

1. This is a reference by the Central Government. The claimant was suspended for the periods (1) 20-9-93 to 29-9-93, (2) 19-12-93 to 28-12-93, and (3) 26-8-96 to 4-9-96. The claimant filed statement stating that the chargesheet dt. 18-9-93 was issued imposing punishment of suspension from 20-9-93 to 29-9-93 for violation of coal mines regulations 441(b), 443(a) and 44 (8).

It is further stated that in the reference dated 17-12-93 it was alleged that he did not handover charge to his successor on 11-12-93 and imposed punishment of suspension from 19-12-93 to 28-12-93.

It is further stated that in another reference dated 24-8-96, the claimant was imposed punishment of suspension from 26-8-96 to 4-9-96.

The claimant was not paid wages for the said periods of suspension. The misconduct alleged against the claimant was not established. The claimant was not given opportunity to defend himself.

2. Respondents filed counter stating that the claimant was suspended from 20-9-93 to 29-9-93 because he allowed fillers to fill the coal tubs under

unsupported roof and violated coal mines regulations 441(b), 443(a) and 44(8). The claimant was suspended for 10 days according to the regulation 41(10).

It is further stated that the claimant was suspended from 19-12-93 to 28-12-93 because he left the mine on 11-12-93 without handing over charge to the reliever.

It is further stated that the claimant was suspended from 26-8-96 to 4-9-96 because the claimant neglected his duties of inspection.

It is further stated that the claimant was suspended for 10 days each on three occasions when he violated the coal mines regulations, 1957. The claimant was working as Mining Sardar. He was responsible for the safety of the workmen. He did not care for the safety of the workmen in the first occasion. Coalfillers luckily escaped. On the second occasion, there was a fatal accident in the next shift of the claimant and the claimant did not handover charge to his successor. On the third occasion, the shift overman was seriously injured in an accident when the claimant worked as Mining Sardar. The accident took place due to negligence of the claimant. On all the three occasions, the Manager and Mining Inspector appointed by the Government of India inspected the mine, made through enquiry and found the claimant guilty of violation of Coal Mines regulations. The manager in accordance with the powers conferred on him took action against the claimant to deter him not to repeat such incidents.

3. Ex.W-1 to Ex.W11 and Ex.M-1 to Ex.M10 are marked.

4. Heard both sides.

5. The point for consideration is whether the suspension of the claimant for 10 days each on three occasions is illegal.

6. Point : Ex.W1 is charge-sheet dt. 18-9-93. It shows that on 16-9-93 the claimant allowed fillers to fill under unsupported roof. A roof layer collapsed. Luckily coal-fillers escaped. The claimant was not available in his work place at that time. This amounts to violation of coal mines regulations 441(b) and 443(a). He was suspended for 10 days pending enquiry.

Ex.W-2 is order dt. 17-12-93. It shows that on 11-12-93 after the first shift, the claimant did not give charge to his successor. There was a fatal accident in the second shift. Enquiry was conducted. The claimant was suspended for a period of ten days.

Ex.W-3 is order dt. 24-8-96. It shows that on 16-8-96, in the second shift, there was roof collapse in which one overman suffered injuries. On enquiry, it was found that the claimant did not test

the roof conditions properly and failed to arrange for re-erection of dislodged props. Therefore, the claimant was suspended for ten days.

There was enquiry preceding the orders dt. 17-12-93 and 24-8-96 and the claimant was found guilty. Therefore, the punishment of suspension was in accordance with coal mines regulations 44(10).

There was stipulation for enquiry in the charge-sheet dt. 18-9-93. The claimant was suspended prior to the enquiry.

In the counter, it is stated that the Manager and Mining Inspector appointed by the Government inspected the mine, made through enquiry and found the claimant guilty of violation of coal mines regulations.

The claimant has not controverted this statement.

7. Ex.W-4 is letter dt. 3-10-96 from the Singareni Collieries workers union. The union represented the case of the claimant because some other workers were paid wages even-though they were suspended for 10 days for similar mistakes.

The union represented against the suspension periods in 1993 and 1996. As far as the suspension periods 19-12-93 to 28-12-93 and 26-8-96 to 4-9-96, the punishment of suspension was preceded by enquiry. But the suspension from 20-9-93 to 29-9-93, was given pending enquiry and before enquiry. If there was no enquiry conducted, the union ought to have raised the dispute as early as possible, but not certainly three years after the punishment.

8. Ex.W9 is legal notice dt. 5-6-97. The claimant questioned his suspension for ten days each on three occasions two occurred in the year, 1993 and one occurred in the year, 1996.

9. Ex.M-2 is enquiry proceedings with regard to the accident occurred on 11-12-93.

Ex.M-3 is enquiry report finding the claimant guilty.

Ex.M-7 is enquiry proceedings with regard to the incident occurred on 16-8-96.

Ex.M-8 is enquiry report finding the claimant guilty.

Enquiry proceedings and enquiry report in respect of the charge-sheet dt. 18-9-93 are not filed by the management.

Counsel for the respondents represented that they are not traced.

10. The respondents were authorised to impose punishment of suspension for ten days each for the three incidents and it appears that the respondents

imposed punishment of suspension of ten days each on three occasions after due enquiry. The first suspension was followed by enquiry.

I, therefore, consider that the suspension of the claimant on the three occasions was not illegal. Hence, I answer the point accordingly.

In the result, the reference is answered against the claimant holding that the suspension of the claimant for the periods 20-9-93 to 29-9-93, 19-12-93 to 28-12-93 and 26-8-96 to 4-9-96 was not illegal. Therefore, the claimant is not entitled to wages for the said period. No costs.

Type to my dictation, corrected and pronounced by me in the open court on this, 16th day of January 2001.

P. GURUNDHA RAO, Chairman-cum-
Presiding Officer

APPENDIX OF EVIDENCE

Witnesses-examined

For Workman : Nil.

For Management : Nil.

Exhibits :

For Workman :

Ex.W-1 dt. 18-9-93 Charge-sheet.

Ex.W-2 dt. 17-12-93 Suspension Lr. No. RK5/7/93/3336 of the petitioner.

Ex.W-3 dt. 24-8-96 Suspension Lr. No. RK5/7/96/2245 of the petitioner.

Ex.W-4 dt. 3-10-96 Representation submitted to the Asstt. Labour Commissioner (C) Mancherial by D.S. Rao, Vice-President, Central Council.

Ex.W-5 dt. 15-2-97 Representation submitted to the Asstt. Labour Commissioner (C), Mancherial by D. S. Rao, Vice-President, Central Council (xer. copy).

Ex.W-6 dt. 4-5-94 Warning letter issued to the petitioner by D.K. Saxena, Dy. Director of Mines Safety, Hyderabad No. II.

Ex.W-7 dt. 28-8-96 Duty allowing letter of M. Posham, Mining Sardar, RK-5 Inc. SCCL (xer. copy).

Ex.W-8 dt. 24-8-96 Suspension letter of M. Posham.

Ex.W-9 dt. 6-6-97 Legal notice issued by M. Narayana Reddy, Advocate, Mancherial (x. copy).

Ex. W-10 dt. 6-6-97 : Reference letter (xer. copy).

Ex.W-11 dt. 4-12-98 Charge-sheet.

For Management :

Ex.M-1 dt. 17-12-93 Suspension letter of petitioner.

Ex.M-2 dt. 18-12-93 Enquiry proceedings held by the Mines Safety Officer.

Ex. M-3 dt. 18-12-93 : Enquiry report.

Ex.M-4 dt. 22-2-94 Lr. issued to the petitioner by D. K. Saxena, Dy. Director of Mines Safety, Hyderabad Region No. II with ack.

Ex.M-5 dt. 14-5-94 Warning letter issued to the petitioner by Colliery Manager, RK-5 Incline.

Ex.M-6 dt. 24-8-96 Suspension letter issued to the petitioner by Colliery Manager, RK-5 Incline.

Ex. M-7 dt. 24-8-96 : Enquiry proceedings held by the Sr. Under Manager of the Mine.

Ex. M-8 dt. 24-8-96 : Enquiry report.

Ex.M-9 dt. 18-9-93 Charge-sheet.

Ex. M-10 dt. 18-9-93 : Coal Mines Regulations 1957 (x-copy) Regulation No. 41(10).

नई दिल्ली, 14 फरवरी, 2001

का.प्र. 458:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुवृत्त में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/अथ न्यायालय गोदावरी खानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-02-2001 को प्राप्त हुआ था।

[स.एल-22025/25/2000-आई.आर. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 14th February, 2001

S.O. 458.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Godavari Khani, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on 13-2-2001.

[No. L-22025/25/2000-IR(C-II)]

N. P. KASAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L., Chairman-cum-Presiding Officer.

Tuesday, the 16th day of January, 2001

INDUSTRIAL DISPUTE No. 60 OF 1998

BETWEEN

Thallapalli Mogili, S/o. Mallaiiah,
Ex-Badli Filler, Kalyanikhani 1-Incline,
Emp. Code No. 2327898, C/o Sri K. Ramakrishna
Rao, Working President, Andhra Pradesh Colliery
Mazdoor Sangh, (INTUC), PO: Godavarikhani,
Distt. Karimnagar-505209. Petitioner.

AND

The General Manager,
M/s. Singareni Collieries Co. Ltd.,
Mandamari Area-504231,
Distt. Adilabad.

Respondent.

This petition coming before me for final hearing in the presence of Sri M. Chakrapani, Advocate for the petitioner and of Sri C. S. N. Reddy, Advocate for the respondent and having stood over for consideration till this date, the court passed the following :—

AWARD

1. This is a reference by the Central Government. The claimant was appointed as badli-filler, in the year, 1992, he fell ill. He underwent treatment in the respondent's hospital and also in private hospital. He was dis-empanelled w.e.f. 1-3-93 without any enquiry.

2. Respondent filed counter stating that the petitioner did not file any document to show that he was admitted in the company hospital in the year, 1992. He was very irregular in his duties. He was often absconding from duties. He had put-in 128 musters in 1989, nil musters in 1990, 56 musters in 1991 and only 14 musters in 1992. It shows that the petitioner was not interested in doing job, as such he was dis-empanelled w.e.f. 1-3-93. The petitioner requested for re-empanelment and the management considered the request of the petitioner and re-empanelled him for a period of 3 months from 1-7-93 to 30-9-93. The petitioner had put-in only 25 musters in the said three months period. It is further stated that the petitioner did not put-in 190 musters in any calendar years further stated since the empanelment was temporary for a period of three months, no notice was required to be given to the petitioner. It is further stated that since the petitioner was empanelled for a period of three months, there is no question of issuing charge-sheet and conducting domestic enquiry.

3. Ex. W-1 and Ex. M-1 to Ex. M-4 are marked.

4. Heard both sides.

5. The point for consideration is whether the disempanelment of the claimant-petitioner w.e.f., 1-10-93 amounts to illegal termination.

6. POINT : Ex. W-1 is letter to the Assistant Labour Commissioner. It shows that the petitioner was empaneled as badli filler from 1-7-93 to 30-9-93. The petitioner worked for three months, but due to his health condition, he was under treatment in the Company Hospital. After that, he was not taken on duty.

It shows that the petitioner did not work even for three months, i.e., 90 days before he was disempanelled from the service.

7. Ex. M-1 is office order dated 25-6-93. It shows that the petitioner was empanelled as badli-filler for a period of three months from 1-7-93 to 30-9-93.

Ex. M-2 is application of the petitioner for re-empanelment as Badli-filler. The endorsement on the application shows that the petitioner had put-in 128 musters in 1989, nil musters in 1990, 56 musters in 1991 and 14 musters in 1992.

Ex. M-3 is order dated 28-2-93. It shows that the petitioner had put-in 14 musters in 1992 and therefore, he was dis-empanelled w.e.f., 1-3-93.

8. The petitioner has not filed any document to show that he fell ill in the year, 1992 or in the year, 1993.

9. It is stated in the counter that the petitioner had put-in only 25 musters from 1-7-93 to 30-9-93. Hence, the petitioner was not re-empanelled after 30-9-93.

The petitioner has not controverted this statement.

It is stated in the counter that the petitioner did not put in 190 musters in any calendar year.

The petitioner has not controverted this statement.

1, therefore, consider that this is not a case of termination of the service of the petitioner.

The petitioner worked for 25 days in three months period. He has no right to demand the respondent for re-instatement since it is not illegal termination or retrenchment. Hence, I answer the point accordingly.

In the result, the reference is answered against the claimant. The dis-empanelment of the claimant w.e.f. 1-10-93 is not illegal termination. Therefore, the claimant is not entitled to be reinstated into service. No costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 16th day of January, 2001.

P. GURUNADHA RAO, Chairman-cum-Presiding Officer

Appendix of Evidence

Witnesses Examined

For workman:—
—Nil—

For Management:—
—Nil—

EXHIBITS

For workman:—

Ex. W-1 dt. 3-7-97 Application of petitioner addressed to the Asst. Labour Commissioner (Central), Govt. of India, Luxettipet Road, Mancherla (xer copy).

For Management:—

Ex. M-1 dated 25-6-93 Copy of appointment order as badli-filler on temporary basis.

Ex. M-2 dated Application of petitioner (xer. copy).

Ex. M-3 dt 28-2-93 Copy of dis-empanelled order.

Ex. M-4 dated 28-2-93 Notice (xer. copy).

नई दिल्ली, 14 फरवरी, 2001

का.आ. 459:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निश्चित औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय गोदावरी खानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-02-2001 को प्राप्त हुआ था।

[सं.एल.-22025/25/2000-आई.आर.(सी.-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 14th February, 2001

S.O. 459.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Godavarikhani, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on 13-02-2001.

[No. L-22025/25/2000-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GODAVARIKHANI

PRESENT :

Sd P. Gurunadha Rao, B.Sc., B.L.,
Chairman-cum-Presiding Officer.

Wednesday, the 10th day of January, 2001
Industrial Dispute No. 84 of 2000

BETWEEN

K. Durgaiah,
Coal Filler,
Relay-A of Indaram Khan,
1 Incline,
Sreerampur Projects Area,
Rep. by D. S. Rao,
Vice President,
Central Council,
S.C. Workers Union (AITUC),
Post Coal Chemical Complex,
Sreerampur Area.

.. Petitioner

AND

The General Manager,
M/s. S.C. Co. Ltd.,
Sreerampur Projects Area,
Adilabad Dist.

.. Respondent

This petition coming before me for claim statement in the presence of Sri C.S.N. Reddy, Advocate for the respondent and having stood over for consideration till this date, the court passed the following :—

AWARD

Claim statement not filed. Claimant absent. Reference closed.

Pronounced by me in the open court on this, the 10th day of January, 2001.

P. GURUNADHA RAO, Chairman-cum-Presiding Officer

नई दिल्ली, 14 फरवरी, 2001

का.आ. 460.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय गोदावरी खानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/02/2001 को प्राप्त हुआ था।

[मं.एल.-22025/25/2000-आई.आर. (सी.-2)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 14th February, 2001

S.O. 460.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Godavarikhani, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on 13-02-2001.

[No. L-22025/25/2000-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L.,
Chairman-cum-Presiding Officer,
Wednesday, the 10th day of January, 2001
Industrial Dispute No. 87 of 2000

BETWEEN

Thota Prasad,
Badli Coal Filler,
K. K. 5 Incline,

Mandamarri Division,
Rep. by V. Seetharamaiah,
Dy. General Secretary,
Singareni Collieries Workers Union,
Ramakrishnapur,
Dist. Adilabad.

.. Petitioner

AND

The General Manager,
M/s. S.C. Co. Ltd.,
Mandamarri Division,
Adilabad District.

.. Respondent

This petition coming before me for claim statement in the presence of Sri C. S. N. Reddy, Advocate for the respondent and having stood over for consideration till this date, the court passed the following :—

AWARD

Claim statement not filed. Claimant absent. Reference closed.

Pronounced by me in the open court on this, the 10th day of January, 2001.

P. GURUNADHA RAO, Chairman-cum-Presiding Officer

नई दिल्ली, 14 फरवरी, 2001

का.आ. 461.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय गोदावरी खानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-02-2001 को प्राप्त हुआ था।

[मं.एल.-22025/25/2000-आई.आर. (सी.-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 14th February, 2001

S.O. 461.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Godavarikhani, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on 13-2-2001.

[No. L-22025/25/2000-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L., Chairman-cum-Presiding Officer.

Friday, the 12th day of January, 2001
Industrial Dispute No. 100 of 1999

BETWEEN

D. Subhash Babu, S/o Hanumanth Rao,
Age 41 years, R/o Near Vani Vidyavihar,
Telugu Medium, Markandeya Colony,
Godavarikhani, District Karimnagar.

—Petitioner.

AND

1. The Colliery Manager,
GDK-3 Incline,
Singareni Collieries Co. Ltd.,
Godavarikhani.
2. Chief General Manager,
RG-I Area, Godavarikhani,
Singareni Collieries Co. Ltd.,
Godavarikhani, District Karimnagar.
3. Managing Director,
Singareni Collieries Co. Ltd.,
Kothagudem, Dist. Khammam.

—Respondents.

This petition coming before me for final hearing in the presence of Sri S. Bhagavantha Rao, Advocate for the petitioner and of Sri C. S. N. Reddy, Advocate for the respondents and having stood over for consideration till this date, the court passed the following :

AWARD

1. This is a petition filed U/s. 2-A(2) of the Industrial Disputes Act, 1947, as amended by A.P. Amendment Act, 1987.

Facts of the case briefly are as follows :—

The petitioner was appointed as badli-filler in 1978. He was promoted as Fitter-helper and further promoted as Fitter. He was entrusted with the canteen work. Charge-sheet was issued on 2-9-98 alleging that he did not update the canteen registers and did not remit the sale proceeds from 1-4-98 onwards and shortage of an amount of Rs. 44,542-96 paise. Domestic enquiry was conducted. The petitioner remained exparte. The petitioner was dismissed from the service on 23-2-99.

2. Respondents 1 and 2 filed counter stating that the petitioner was promoted as Fitter w.e.f. 1-8-90. The petitioner was entrusted with clerical duties. The petitioner and some others filed writ petition to absorb them as Clerical, Grade-II. The petitioner was engaged as clerk in Welfare section. Canteen was started on 3-10-98 in GDK, No. 3 and entrusted the canteen to the petitioner. The petitioner maintained accounts for a few months and, thereafter, did not maintain records properly. S.O.M., asked the petitioner to handover the canteen and records to some other clerk, but the petitioner did not do so. Charge-sheet was issued on 2-7-98. Explanation of the petitioner was not satisfactory. Domestic enquiry was conducted. The petitioner participated in the enquiry and cross examined the management witnesses. Show-cause notice was issued to the petitioner. He submitted explanation to the show-cause notice. The petitioner was dismissed from the service on 23-2-99.

It is further stated that two separate charge-sheets were issued and two separate enquiries were conducted against the petitioner. The petitioner participated in both the enquiries. The petitioner did not appear before the enquiry officer on 12-10-98 and also on 27-10-98. Then enquiry was conducted exparte. The petitioner mis-appropriated an amount of Rs. 44,542-96 paise.

Respondent No. 3 adopted the counter filed by R-1 and R-2.

3. Ex. W-1 to Ex. W-10 and Ex. M-1 to Ex. M-35 are marked.

4. Heard both sides.

5. The point for consideration is whether the charges against the petitioner are proved, if so, whether the punishment of dismissal of the petitioner from the service is in proportion to the charges.

6. POINT.—Ex. M-6 is charge-sheet dated 2-7-98. First charge is that during the surprise spot check conducted by the internal audit department on 1-7-98, the petitioner did not show the records of the canteen.

Second charge is that the petitioner took the records of the canteen to his house without permission.

Ex. M-15 is charge-sheet dated 2-9-98. First charge is that the petitioner did not update the canteen registers and records.

Second charge is that he did not remit sale proceeds from 1-4-98 onwards.

Third charge is that an amount of Rs. 44,542-96 paise was found short towards value of canteen provisions, cash and sale proceeds.

7. Ex. W-4 is explanation to the charge-sheet dated 2-9-98. The petitioner stated that he was not working as canteen clerk, but he was looking after the works of the canteen partly in addition to his routine work in welfare office section. He further stated that he was entrusted with the canteen work additionally without proper guidance. He could not maintain records up-to-date. He could not maintain ledger and stock register up-to-date, but he continued to remit the sale proceeds regularly. In April, 98, he did not remit cash in time. It was lost. Audit check was conducted on 1-7-98. The records of the canteen were with him at his residence. He remitted cash of Rs. 19,445 and Rs. 5,752-40 paise on 2-7-98 and 6-7-98. He updated the records in the presence of audit staff. Shortage of material worth Rs. 41,598-86 paise occurred due to his negligence only.

Ex. M-10 is explanation to charge-sheet, dated 2-7-98. The petitioner stated that he was instructed to look-after the works of the canteen w.e.f. 3-10-97 in addition to his normal duties in welfare section. He failed to maintain the canteen records up-to-date and could not produce the same before the internal audit staff as he took the records to his house.

The petitioner admitted the two charges levelled in the charge-sheet dated 2-7-98.

The petitioner admitted shortage of material worth Rs. 41,598-86 paise.

The petitioner stated that he lost Rs. 3,000.

Thus the petitioner admitted shortage of material worth Rs. 44,542.96 paise as mentioned in charge No. 3 levelled in the charge-sheet, dated 2-9-98.

8. Ex. M-11 is enquiry proceedings relating to the charge-sheet dated 2-7-1998.

Ex. M-12 is enquiry report.

Ex. M-26 is enquiry proceedings relating to the charge-sheet dated 2-9-98.

Ex. M-27 is enquiry report.

9. The petitioner admitted that he did not maintain the records up-to-date and he did not show the records to the internal audit party. The petitioner also admitted that he took the records to his house. The petitioner also admitted shortage of Rs. 44,542-96 paise.

The petitioner put-forth his defence that he was looking after the canteen as additional charge and the shortage occurred due to his negligence.

I, therefore, consider that the charges against the petitioner are proved and the punishment of removal of the petitioner from the service is in proportion to the charges. Hence, I answer the point accordingly.

In the result, this petition is dismissed. The order of dismissal of the petitioner from the service is confirmed. Each party do bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 12th day of January, 2001.

P. GURUNADHA RAO, Chairman-cum-
Presiding Officer

Appendix of Evidence Witnesses examined

For workman—Nil.

For Management—Nil.

Exhibits

For workman :

Ex. W-1 dt. —Affidavit.

Ex. W-2 dt. 21-8-90—Copy of office-order.

Ex. W-3 dt. 7-12-98—Reply to show-cause notice.

Ex. W-4 dt. 14-9-98—Reply to charge-sheet (xerox copy).

Ex. W-5 dt. 21-12-98—Letter addressed to the petitioner by General Manager, RG-I.

Ex. W-6 dt. —Leave particulars of petitioner.

Ex. W-7 dt. 27-10-98—Request application of petitioner (xerox copy).

Ex. W-8 dt. 24-9-99—Application of petitioner.

Ex. W-9 dt. 9-11-99—Legal notice.

Ex. W-10 dt. —Application U/s. 12 Chapter IV of legal services authorities Act, 1987 of petitioner.

For Management :

Ex. M-1 dt. 31-3-91—Copy of affidavit in W.P. No. 4757/91.

Ex. M-2 dt. 24-4-91—Status-quo order in W.P.M.P. No. 5912/91 in W.P. No. 4757/91 (xerox copy).

Ex. M-3 dt. 30-9-97—Dismissal order copy in W.P. No. 4757/91.

Ex. M-4 dt. 13-5-98—Regularisation acting clerk call letter (xerox copy).

Ex. M-5 dt. 20-5-98—Attendance particulars of petitioner.

Ex. M-6 dt. 2-7-98—Copy of 1st charge-sheet.

Ex. M-7 dt. 2-7-98—Application of petitioner.

Ex. M-8 dt. 2-7-98—Copy of cash receipt.

Ex. M-9 dt. 6-7-98—Copy of cash receipt.

Ex. M-10 dt. 9-7-98—Copy of reply to charge-sheet.

Ex. M-11 dt. 16-7-98—Enquiry proceedings (xerox copy).

Ex. M-12 dt. 17-7-98—Enquiry report (xerox copy).

Ex. M-13 dt. 23-7-98—Confidential internal audit report (xerox copy).

Ex. M-14 dt. 18-9-98—Lr. issued to the petitioner for less cash remittance of sale proceeds (xerox copy).

Ex. M-15 dt. 2-9-98—2nd charge-sheet.

Ex. M-16 dt. 8-9-98—Lr. issued to the petitioner regarding shortage of provisions and sale proceeds of canteen.

Ex. M-17 dt. 14-9-98—Reply to charge-sheet.

Ex. M-18 dt. 18-9-98—Office-memo.

Ex. M-19 dt. 16-9-98—Enquiry notice.

Ex. M-20 dt. 22-9-98—Enquiry notice.

Ex. M-21 dt. 24-9-98—Application of petitioner.

Ex. M-22 dt. 25-9-98—Enquiry notice.

Ex. M-23 dt. 5-10-98—Enquiry notice.

Ex. M-24 dt. 18-10-98—Enquiry notice.

Ex. M-25 dt. 11-10-98—Application of petitioner requesting to implead necessary parties.

Ex. M-26 dt. 5-10-98—Enquiry proceedings.

Ex. M-27 dt. 29-10-98—Enquiry report.

Ex. M-28 dt. 22-11-98—2nd show-cause notice.

Ex. M-29 dt. 29-11-98—Acknowledgement.

Ex. M-30 dt. 7-12-98—Representation of petitioner.

Ex. M-31 dt. 21-12-98—Lr. issued to the petitioner by General Manager, RG Area-I.

Ex. M-32 dt. 23-12-98—Acknowledgement.

Ex. M-33 dt. 25-12-98—Application of petitioner.

Ex. M-34 dt. 8-1-99—Representation to show-cause notice.

Ex. M-35 dt. 23-3-99—Dismissal order.

नई दिल्ली, 14 फरवरी, 2001

का.अ. 462:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, गोदावरी खान्ती के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/02/2001 को प्राप्त हुआ था।

[सं.एन.-22025/25/2000-आई.आर. (सी.-II)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 14th February, 2001

S.O. 462.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Godavarikhani as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on 13-2-2001.

[No. L-22025/25/2000-IR(C-II)]

N. P. KESHVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
GODAVARIKHANI

PRESENT:

Sri P. Gurunadha Rao, B.Sc., B.L., Chairman-
Cum-Presiding Officer.

Thursday, the 11th day of January, 2001
Industrial Dispute No. 113 of 1998

BETWEEN

Janagam Gattaiah, S/o. Durgaiah,
Age 41 yrs., Occ : Trammer, Q. No 125,
Ranagambal Basthi, R/o. Bellampalli,
Dist. Adilabad. —Petitioner

AND

1. The Colliery Manager,
MVK-5 Incline, Bellampalli.

2. The General Manager,
S.C. Co Ltd., Bellampalli,
Dist. Adilabad.

3. The Managing Director,
Singareni Collieries Co. Ltd.
Kothagudem, Dist.
Khammam. —Respondents.

This petition coming before me for final hearing in the presence of Sri S. Bhagavantha Rao, Advocate for the petitioner and of Sri C. S. N. Reddy, Advocate for the respondents and having stood over for consideration till this date, the court passed the following:—

AWARD

1. This is a petition filed u/s. 2-A(2) of the Industrial Disputes Act, 1947, as amended by A.P. Amendment Act, 1987.

494 GI/2001—17.

Facts of the case briefly are as follows :—The petitioner was appointed as badli-filler on 1-10-1976. On 23-8-96, the petitioner met with accident on duty. He was mine sick from 23-8-96 to 19-12-96. On 11-4-97, he attended to work and expressed his inability to attend to underground work. Two charges were framed against him. The petitioner submitted his explanation. Domestic enquiry was conducted and the petitioner was removed from the service.

2. Respondents filed counter stating that the petitioner was appointed on 26-8-77. He was promoted as underground Trammer w.e.f., 1-6-87. The petitioner met with accident on 23-8-96 resulting in crush injury to his left ankle. He was admitted in the main hospital, Kothagudem. On 23-12-96 and discharged on 27-12-96. He was again admitted on 18-1-97 and discharged on 20-1-97. The petitioner was advised for surface job for a period of three weeks. On 11-4-97, the petitioner requested for surface job permanently, but it was refused. Then the petitioner instigated all Trammers and other workers not to go down the mine till his case was settled. At the instigation of the petitioner, the workers went on strike from 11-4-97 first shift to 14-4-97 third shift resulting in loss of production. Chargesheet was issued. The petitioner submitted explanation. Enquiry was conducted. The petitioner was not suspended. Therefore, there was no question of payment of subsistence allowance. The petitioner caused production loss of about Rs. 12,44,100.

3. Ex. W-1 to Ex. W-13 and Ex. M-1 to Ex. M-8 are marked.

4. Heard both sides.

5. The point for consideration is whether the charges against the petitioner are proved, if so, whether the punishment of removal of the petitioner from the service is in proportion to the charges.

6. POINT : Ex. W-10 is charge-sheet. First charge is wilful insubordination and disobedience.

Second charge is going on illegal strike.

It was alleged that the petitioner instigated all Trammers, Coal fillers and other workman not to go down the mine till his case was settled permanently and struck work illegally.

Ex. W-11 is reply to charge-sheet. The petitioner stated that on 11-4-97, his request for surface duty was not considered. Then he put the same before other workers. The workers were kind enough to protest against the attitude of the management.

Ex. W-12 is reply to enquiry report. The petitioner stated that on 11-4-97, he was directed to work as Trammer. Then he and other workers went to Colliery Manager and requested him to provide surface duty.

The petitioner further stated that on 11-4-97 there was strike on another issue, but not in his issue.

7. It is clear that the petitioner refused to work as Trammer underground on 11-4-97 and there was strike on that day.

In Ex. W-11 the petitioner did not state that the strike on 11-4-97 was not in his issue.

The petitioner stated that the workmen were very kind enough that they simply asked the workmen of their mine to protest against the attitude of the management. The petitioner went on to state that actually he had not provoked any workman to go on strike, but the workman gathered there and discussed the issue.

It shows that the strike on 11-4-97 was on account of the petitioner only, but not on any other issue.

If the strike was on any other issue, the petitioner would have mentioned it in his reply to charge-sheet on 18-4-97 itself and nothing prevented him from putting his defence at the earliest opportunity.

I consider that the defence put forward by the petitioner that the strike was not in his issue cannot be believed.

8. Ex. M-4 is enquiry proceedings. The petitioner abstained from the enquiry on 26-9-97. Sri K. Rajam, Sr. Under Manager, was examined. He stated that the petitioner met with accident on 23-8-96 while on duty and suffered crush injury to his left ankle. He underwent treatment upto 27-12-96. The petitioner was provided surface job upto 31-3-97. The petitioner was given surface job for ten more days from 2-4-97 to 12-4-97. On 11-4-97, the petitioner attended to duty in first shift. He was informed that from 14-4-97 onwards, he had to go for underground duties. Then the petitioner went to the office of S.O.M., General Manager along with other Trammers and requested to provide him surface job permanently. The petitioner instigated all the Trammers and other workman not to go down the mine in support of his demand till his case was settled permanently by giving him General Mazdoor job. Accordingly, the petitioner and other workmen struck work from the first shift on 11-4-97.

Statement of Sri Ch. Nursaiah, Head Overman was also recorded to the same effect.

9. The petitioner examined himself as a witness. He stated that on 11-4-97 in the first shift, he attended to duty. He was directed to go down the mine to work as underground, Trammer. He requested for surface job for ten days more, but it was refused. Then he went to colliery Manager and requested to give him surface job for ten more days. It was refused. Then he informed the same to his colleague Trammers. Afterwards, what happened he does not know. At about 9.30 a.m., strike notice was exhibited, he went home along with other workers.

It shows that there was strike on 11-4-97 at the instance of the petitioner only when the petitioner was refused permanent surface job.

It shows that the petitioner wilfully disobeyed the orders of his superiors and the petitioner instigated other workmen to strike work.

I therefore, consider that the charges against the petitioner are proved.

The petitioner was responsible for the illegal strike from 11-4-97 to 14-4-97 and he was responsible for the loss of production to a tune of Rs. 12,44,100.

I consider that the punishment of removal of the petitioner from the service is in proportion to the charges. Hence, I answer the point accordingly.

In the result, this petition is dismissed. The order of removal of the petitioner from the service is confirmed. Each party to bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 11th day of January, 2001.

P. GURUNADHA RAO, Chairman-cum-Presiding Officer

Appendix of Evidence Witnesses-examined

For Workman : For Management :
—Nil— —Nil—

Exhibits

For workman:—

- Ex. W1 dt. 22-8-77 : Office-order.
- Ex. W-2 dt. 25-10-78 : Appointment order.
- Ex. W-3 dt. 30-5-87 : Office-order (xerox copy).
- Ex. W-4 dt. : Salary pay slip for the month of February, 1997.
- Ex. W-5 dt. 10-2-96 : Lr. issued by Medical Bellampally to the C.M.O., Kothagudam, Superintendent, (xerox copy).
- Ex. W-6 dt. 16-12-96 : Reply to Ex. M-5 (xerox copy).
- Ex. W-7 dt. —do— : Confidential letter issued by C.M.O. (xerox copy).
- Ex. W-8 dt. 20-12-96 : Lr. addressed to the Superintendent, Area Hospital, Belampali by the Superintendent of Mines, MVK, 5 Incline, (xerox copy).
- Ex. W-9 dt. 27-12-96 : Lr. addressed to Medical Superintendent/Belampalli by C.M.O. (xerox copy).
- Ex. W-10 dt. 11-4-97 : Charge-sheet (xerox copy).
- Ex. W-11 dt. 18-4-97 : Reply to Charge-sheet (xerox copy).
- Ex. W-12 dt. 11-11-97 : Application of petitioner (xerox copy).
- Ex. W-13 dt. — : Standing order of SCCL (xerox copy).

For Management:—

- Ex. M-1 dt. 2/6-8-93 : Enquiry Officer nomination letter.
- Ex. M-2 dt. 11-4-97 : Charge-sheet.
- Ex. M-3 dt. 18-4-97 : Reply to charge-sheet.
- Ex. M-4 dt. 18-4-97 : Enquiry proceedings.
- Ex. M-5 dt. 4-10-97 : Enquiry report.
- Ex. M-6 dt. 20/23-10-97 : Lr. addressed to the petitioner directing him to receive the copy of enquiry proceedings along with report and to make representation against the findings.
- Ex. M-7 dt. 11-11-97 : Representation of the petitioner.
- Ex. M-8 dt. 21-11-97 : Dismissal order.

नई दिल्ली, 14 फरवरी, 2001

का.आ. 463.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14 की) धारा 17 के अनुसरण में, केन्द्रीय सरकार रीजनल रिसर्च इंस्टीट्यूट (आयुर्वेद) के प्रबन्धन के संबंध में नियोज्जकों और उनके कर्मचारियों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/02/2001 को प्राप्त हुआ था।

[स.एल.-42012/12/97-आई.आर. (डी.यू.)]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 14th February, 2001

S.O. 463.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Regional Research Institute (Ayurved) and their workman, which was received by the Central Government on 13-2-2001.

[No. L-42012/12/97-IR(DU)]

N. P. KESAVAN, Desk Officer

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय जयपुर
प्रकरण संख्या :—सी.जी.आई.टी./बी.-53/98

आदेश संख्या :—एल-42012/12/97-आई.आर. (डी.यू.)

15-12-97

श्री वृजेश कुमार शर्मा पुत्र श्री चिमनलाल शर्मा
मकान नं. बी.-101, सन्तोष सागर कॉलोनी,
मगोड़ी वालों की बगीची के सामने, ब्रह्मपुरी, जयपुर।

—प्रार्थी

बनाम

दी असिस्टेंट डायरेक्टर इन्चार्ज,
रीजनल रिसर्च इंस्टीट्यूट (आयुर्वेद)
माधोविलास पैलेस, आमेर रोड जयपुर।

—अप्रार्थी

उपस्थित :—

प्रार्थी की ओर से श्री अश्विनी बोहरा
अप्रार्थी की ओर से श्री भारतेश गोयल
पंचाट दिनांक 3/1/2001

पंचाट

केन्द्रीय सरकार के उक्त आदेश के जरिए निम्न विवाद
न्याय निर्णय हेतु निर्देशित किया गया :—

“Whether the action of management of Regional Research Institute (Ayurveda), Jaipur is justified in termination the services of

workman Sh. Brajesh Kumar Sharma w.c.f. 18-10-95, who was employed as a daily rated class-IV employee and completed more than 240 days of service in a year prior to the date of termination (18-10-95) as he was not paid notice pay in lieu of notice of one month and retrenchment compensation? If not, what relief he is entitled to?”

प्रार्थी की ओर से स्टेटमेंट आफ क्लेम प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि उसने विपक्षी संस्थान में श्रमिक कम वर्ड बॉय के रूप में दिनांक 5-9-1994 में रिक्त पद के विरुद्ध निरन्तर कार्य किया। उसे प्रारम्भ में 22 रुपये प्रतिदिन व तत्पश्चात् 35/- रुपये प्रतिदिन की दर से भुगतान किया गया। उसकी प्रारम्भिक नियुक्ति दिनांक 5-9-1994 के पश्चात् बार-बार बढ़ाई जाती रही। उसने विपक्षी संस्थान में दिनांक 17-10-1995 तक निरन्तर कार्य किया परन्तु दिनांक 18-10-1995 को अप्रार्थी ने उसे कार्य पर लेन से हटकर कर दिया। वह सेवा समाप्ति से पूर्व एक वर्ष की अवधि में 240 दिन में अधिष्ठ कार्य कर चुका था। प्रार्थी की सेवा समाप्ति अप्रार्थी के द्वारा औद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में अधिनियम, 1917 कहा गया है) की धारा 25-एफ, जी, एच व औद्योगिक विवाद (केन्द्रीय) नियम 1957 जिसे बाद में नियम 1957 कहा गया है) के नियम 77, 78 का उल्लंघन कर की। प्रार्थना की गई कि उस पूर्ण पिछली मजदूरी सहित सेवा में पुन बहाल किया जाए।

अप्रार्थी की ओर से जवाब में प्रारम्भिक आपत्ति की गई कि प्रार्थी ने समझौता अधिकारी, जयपुर के समक्ष निकिल्मा एवं स्वास्थ्य विभाग, केन्द्र सरकार, नई दिल्ली को भी पक्षकार बनाया था, परन्तु क्लेम में उसे आवश्यक पक्षकार नहीं बनाया गया है जिस कारण आवश्यक पक्षकार नहीं बनाए जाने से क्लेम निरस्त किए जाने योग्य है। यह भी आपत्ति की गई कि प्रार्थी श्रमिक की परिभाषा में नहीं आता। सद्वार जवाब में प्रार्थी के द्वारा दिनांक 5-9-94 में रिक्त पद के विरुद्ध कार्य किये जाने के कथन को अस्वीकार किया गया। यह उल्लेख किया गया कि आवश्यकता होने पर निश्चित अवधि हेतु प्रार्थी नियुक्त किया जाता था, जिस अवधि की समाप्ति पर प्रार्थी को हटा दिया जाता था। प्रार्थी ने कभी निरन्तर कार्य नहीं किया। उसने आकस्मिक श्रमिक के रूप में कार्य किया था। उसने सेवा समाप्ति से पूर्व 240 दिन तक कार्य नहीं किया। प्रार्थी को हटाने के पश्चात् कोई आकस्मिक श्रमिक नहीं रखा गया। प्रार्थी के नियुक्ति आदेश स्पष्ट रूप से उल्लेख किया गया था कि प्रार्थी का नियमित नियुक्ति का कोई अधिकार नहीं होगा।

पक्षकारों के अभिकथनों के आधार पर निम्नांकित विवाद बिन्दु बनाए गए :—

(1) आया प्रार्थी ने विपक्षी संस्थान में दि. 5-9-94 से दि. 17-10-95 तक निरन्तर कार्य किया व सेवा समाप्ति

के पूर्व के एक वर्ष में 240 दिन अथवा उससे अधिक कार्य किया।

(2) आया अप्रार्थी संस्थान के द्वारा औद्योगिक विवाद अधिनियम, 1947 की धारा 25-एफ जी व औद्योगिक विवाद (केन्द्रीय) नियम 1957 के नियम 77 का उल्लंघन किया गया।

(3) आया कन्द्रीय सरकार क्लेम में आवश्यक पक्षकार है, यदि हां तो इसका प्रभाव?

(4) आया प्रार्थी औद्योगिक विवाद अधिनियम के अन्तर्गत श्रमिक की परिभाषा में नहीं आता?

(5) आया प्रार्थी के द्वारा बतौर आकस्मिक श्रमिक के आवश्यकता पड़ने पर अप्रार्थी संस्थान में कार्य किया, यदि हां तो इसका प्रभाव?

(6) प्रार्थी किस सहायता को प्राप्त करने का अधिकारी है?

क्लेम के समर्थन में प्रार्थी की ओर से स्वयं का शपथपत्र प्रस्तुत किया गया, जिस पर अप्रार्थी के अधिवक्ता को प्रति-परीक्षा करने का अवसर दिया गया। प्रलेखीय साध्य में प्रार्थी की ओर से कार्यालय आदेश अप्रार्थी की प्रतिलिपिया प्रदर्श डब्ल्यू -1, से डब्ल्यू-10 प्रस्तुत की गई। अप्रार्थी की ओर से साध्य में डा. कलाश चन्द्र आदिच्य प्रभारी सहायक निदेशक का शपथपत्र प्रस्तुत किया गया, जिस पर प्रतिपरीक्षा करने का अवसर प्रार्थी के अधिवक्ता को दिया गया। अप्रार्थी की ओर से प्रलेखीय साध्य में प्रतिलिपि उपस्थिति रजिस्टर प्रदर्श एम-1 से एम 15 कार्यालय आदेश की प्रतिलिपि प्रदर्श एम-17, 19 एवं 22, 24, 26, 28 30 32, 34, 36, 38, 40 व कन्टीनजेंट बिल की प्रतिलिपि प्रदर्श 16, 18, 20, 21, 23, 25, 27, 29 31, 33, 35, 37, 39 प्रस्तुत की गई।

बहस सुनी गई एवं पत्रावली का अवलोकन किया गया। बनाये गये विवाद बिन्दुओं का विनिश्चय निम्न प्रकार किया जाता है :—

बिन्दु संख्या -1 इस अधिकरण का क्षेत्राधिकार निर्देश आदेश में वर्णित बिन्दुओं के विनिश्चय तक ही सीमित है। निर्देश आदेश में यह उल्लेख किया गया है कि प्रार्थी ने अप्रार्थी संस्थान में सेवा समाप्ति दिनांक 18-10-95 से पूर्व की एक वर्ष की अवधि में दैनिक भोगी चतुर्थ श्रेणी कर्मचारी के रूप में 240 दिन की सेवा पूर्ण कर ली थी, अतः इस बिन्दु पर कि क्या प्रार्थी ने सेवा समाप्ति के पूर्व के एक वर्ष में 240 दिन अप्रार्थी संस्थान में कार्य किया, विचार करने की आवश्यकता नहीं है। फिर भी अप्रार्थी की ओर से जो उपस्थिति पंजिका की प्रतिलिपियां प्रदर्श एम-3 से एम 15 प्रस्तुत की गई जिसके अनुसार प्रार्थी के द्वारा

नवम्बर 94 से अक्टूबर, 95 में दिनांक 17-10-95 तक निम्न-प्रकार उपस्थिति दर्ज की गई है :—

प्रदर्श	माह/वर्ष	दिन
—भ—		
एम-3	नवम्बर, 94	21
एम-4	दिसम्बर	19
एम-6	दिसम्बर	07
एम-5	जनवरी, 95	24
एम-7	फरवरी, 95	20
एम-8	मार्च, 95	23
एम-9	अप्रैल	16
एम-10	मई	22
एम-11	जून	21
एम-12	जुलाई	26
एम-13	अगस्त	26
एम-14	सितम्बर	24
एम-15	अक्टूबर	15

उपस्थिति रजिस्टर के अनुसार प्रार्थी के द्वारा दिनांक 18-10-95 के पूर्व के एक वर्ष की अवधि में 264 दिन कार्य किया जाता प्रमाणित है। उपस्थिति पंजिका में स्पष्ट है कि प्रार्थी ने दिनांक 5-9-94 से 17-10-95 की अवधि में निरन्तर कार्य नहीं किया। इस विवाद बिन्दु का विनिश्चय इसी प्रकार किया जाता है।

बिन्दु संख्या 3 :—नियम, 1957 के नियम 2-जी के अनुसार ऐसा उद्योग जो केन्द्र सरकार का विभाग या उसके अधीन किसी अधिकारी द्वारा चलाया जाता है, ऐसे उद्योग संस्थान के आफिसर इंचार्ज को बतौर नियोजक के अधिकारी निर्धारित किया गया है। ऐसी दशा में बिन्दु संस्थान का सहायक निदेशक प्रभारी जिसके द्वारा कार्यालय आदेश जिनका उल्लेख ऊपर किया जा चुका है, प्रार्थी की नियुक्ति के बारे में जारी किए गए हैं, प्रार्थी का नियोजक होगा व केन्द्रीय सरकार क्लेम में आवश्यक पक्षकार होता नहीं कही जा सकती।

बिन्दु संख्या 4 :—प्रार्थी के विद्वान अधिवक्ता कोई कारण नहीं बता सके हैं कि प्रार्थी अधिनियम, 1947 के अन्तर्गत श्रमिक की परिभाषा में “क्योकर” नहीं आता। दैनिक मजदूरी पर आकस्मिक श्रमिक भी अधिनियम 1947 की धारा 2-एस के अन्तर्गत “कर्मकार” की श्रेणी में आता है। इस बारे में 1997(1) एन.एल.जे. पृष्ठ 817 मैनेजिंग डाइरेक्टर व अन्य बनाम फैलीराम व एस.बी. सिविल रिट पिटीशन नं. 3548/1992 शिवप्रसाद शर्मा बनाम यूनाइटेड कॉमिशियल एण्ड ओरियन्टल बैंक ब्रांच दोस्ता में पारित आदेश दिनांक 25-3-94 का अवलोकन किया जा कता है।

बिन्दु संख्या 5:—प्रार्थी की उपस्थिति के अनुसार उसने सेवा समाप्ति के पूर्व अक्टूबर, 94 में 9 दिन व अप्रैल, 95 में 16 दिन कार्य किया है। इसके अतिरिक्त उसने प्रत्येक माह में 20 से अधिक दिन कार्य किया है। कार्यालय आदेश एवं उसकी नियुक्ति के बाबत स्वीकृति आदेश प्रदर्श एम-17, एम-19, एम-22, एम-26, एम-28, एम-30, एम-34, एम-36 एक-एक माह की नियुक्ति बाबत जारी किए गए हैं, जिससे यह निष्कर्ष नहीं निकाला जा सकता कि प्रार्थी के द्वारा बतौर आकस्मिक श्रमिक के कार्य किया गया।

बिन्दु संख्या 2:—प्रार्थी के द्वारा सेवा समाप्ति से पूर्व के एक वर्ष की अवधि में 240 दिन से अधिक कार्य किया जाना प्रमाणित है। यह विवादित नहीं है कि प्रार्थी की सेवा समाप्ति से पूर्व उसे अधिनियम 1947 की धारा 25-एफ के प्रावधानों के अनुसार न तो एक माह का नोटिस दिया गया व न नोटिस के बदले में एक माह का वेतन व न "छटनी" का सुझाव। अप्रार्थी के विद्वान अधिवक्ता का तर्क है कि अप्रार्थी संस्थान "उद्योग" की परिभाषा में नहीं आता। अतः अधिनियम, 1947 की धारा 25-एफ के प्रावधान आकृष्ट नहीं होते। उन्होंने अपने तर्क के समर्थन में ए.आई.आर. 1997 सुप्रीम कोर्ट 2663 एक्जीक्यूटिव इजीनियर (स्टेट ऑफ कनटिका) बनाम के. सोनाशेट्टी व अन्य को उद्धृत किया है, जिसमें यह अभिनिर्वाहित किया गया है कि सिवार्ड विभाग व टेलीकम्यूनिकेशन विभाग "उद्योग" की परिभाषा में नहीं आते। विपक्षी की ओर से जवाब में ऐसी कोई आपत्ति नहीं उठाई गई कि विपक्षी संस्थान "उद्योग" की परिभाषा में नहीं आता। अतः इस आपत्ति पर विचार नहीं किया जा सकता। दूसरे 1998 एस.सी.सी. (एन एंड एस) 6 जनरल मैनेजर, टेलीकॉम बनाम श्रीनिवासराव के मामले में उच्चतम न्यायालय के द्वारा यह अभिनिर्वाहित किया गया है कि भारत सरकार का टेलीकॉम विभाग "उद्योग" की परिभाषा में आता है। अप्रार्थी की ओर से ऐसा कोई कारण भी नहीं बताया गया कि विपक्षी संस्थान "उद्योग" की परिभाषा में "क्योंकर" नहीं आता। अप्रार्थी के विद्वान अधिवक्ता का यह भी तर्क है कि प्रार्थी दैनिक मजदूरी पर एक निश्चित अवधि के लिए कार्यरत था, अतः प्रार्थी का मामला "छटनी" की परिभाषा के अन्तर्गत नहीं आता। उन्होंने अपने तर्क के समर्थन में 1997(2) आर.एल.आर. 273 उगमसिंह बनाम राज्य व अन्य, ए.आई.आर. 1997 एस.सी. 3657 हिमागु कुमार विद्यार्थी बनाम स्टेट ऑफ बिहार राज्य, आर.एल.आर. 2000(3) शम्भू कुमार बनाम जिला एवं सेशन न्यायाधीश, उदयपुर को उद्धृत किया है। उगम सिंह बनाम स्टेट व अन्य के मामले में याची पूर्णतया अस्थाई आधार पर नियुक्त किया गया था। उसके द्वारा सेवा समाप्ति के आदेश को इस आधार पर चुनौती दी गई कि उसने लम्बे समय तक कार्य किया। यह अभिनिर्वाहित किया गया कि वह पद का धारणा अधिकार प्राप्त नहीं कर सकता। उक्त मामले में सेवा समाप्ति की चुनौती अधिनियम, 1947 के प्रावधानों के उल्लंघन के आधार पर नहीं दी गई

थी, अतः उक्त न्याय दृष्टान्त सुसंगत नहीं है। हिमागु कुमार विद्यार्थी के मामले में याचीगण अस्थाई रूप से दैनिक मजदूरी पर कार्य कर रहे थे जिनकी सेवा विपक्षी के द्वारा समाप्त कर दी गई थी। याचीगण की नियुक्ति नियमों के अनुसार नहीं हुई थी व आवश्यकता के आधार पर उनकी नियुक्ति की गई थी। उनकी सेवा समाप्ति छटनी के अन्तर्गत नहीं पाई। उक्त मामले में सेवा समाप्ति की चुनौती सीधे उच्च न्यायालय में याचिका दायरकर की गई थी। याचीगण के द्वारा उच्च न्यायालय में ऐसा तर्क नहीं दिया गया था कि प्रार्थीगण की सेवा समाप्ति छटनी के तहत आती है बल्कि सेवा समाप्ति को स्वेच्छाचारी बताया गया था। प्रस्तुत मामले में क्लेम में प्रार्थी के द्वारा सेवा समाप्ति की चुनौती अधिनियम 1947 के प्रावधान का उल्लंघन करने के आधार पर की गई है अतः प्रस्तुत मामले के तथ्य उक्त मामले के तथ्यों से भिन्न हैं। शम्भू कुमार बनाम जिला एवं सेशन न्यायाधीश, उदयपुर के मामले में याची की नियुक्ति अस्थाई तौर पर निश्चित अवधि के लिए की गई थी, अवधि के समाप्ति होने पर उसकी सेवा स्वतः समाप्त होना अभिनिर्धारित किया गया। प्रस्तुत मामले में विपक्षी का साक्षी कैलाश चन्द्र औदित्य यह नहीं बता सका है कि कार्य पर लेने से पूर्व प्रार्थी को नियुक्ति पत्र जारी किया गया। अप्रार्थी के द्वारा जारी स्वीकृति कार्यालय आदेश प्रदर्श एम-17 दिनांक 11-10-94 को दिनांक 5-9-94 से 11-10-94 एक माह की अवधि के लिए जारी किया गया है। इसी प्रकार कार्यालय आदेश प्रदर्श एम-19 दिनांक 23-12-94 दिनांक 1-11-94 से 23-12-94 की अवधि के लिये जारी किया गया है। कार्यालय आदेश प्रदर्श एम-22 दिनांक 24-12-94 से 31-1-95 की अवधि के लिए, कार्यालय आदेश प्रदर्श एम-24 दिनांक 9-3-95 दिनांक 4-2-95 से 28-2-95 की अवधि के लिये, कार्यालय आदेश प्रदर्श एम-26 दिनांक 25-4-95 1-3-95 से 31-3-95 की अवधि के लिए, कार्यालय आदेश एम-28 दिनांक 9-5-95 दिनांक 1-4-95 से 30-4-95 की अवधि के लिए कार्यालय आदेश प्रदर्श एम-30 दिनांक 1-5-95 से 31-5-95 के लिए, कार्यालय आदेश दि. 3-7-95 दिनांक 4-6-95 से 30-6-95 की अवधि के लिए, कार्यालय आदेश प्रदर्श एम-34 दिनांक 1-8-95 दिनांक 1-7-95 से 31-7-95 की अवधि के लिए, कार्यालय आदेश प्रदर्श एम-38 दिनांक 12-10-95 दिनांक 4-9-95 से 30-9-95 की अवधि के लिए व कार्यालय आदेश प्रदर्श एम-40 दिनांक 6-11-95 दिनांक 1-10-95 से 17-10-95 की अवधि की नियुक्ति के बाबत जारी किए गए हैं। उक्त आदेशों से स्पष्ट है कि प्रार्थी के द्वारा कार्य कर लेने के पश्चात् उसकी नियुक्ति के बाबत उक्त आदेश जारी किए गए हैं। प्रार्थी के द्वारा कार्य करने से पूर्व उसे नियुक्ति पत्र जारी नहीं किया गया है। दिनांक 1-10-95 से 17-10-95 के कार्य करने के बाबत प्रार्थी की नियुक्ति के बाबत आदेश दिनांक 6-11-95 को जारी किया गया है। उक्त आदेशों के आधार पर यह नहीं कहा जा सकता कि प्रार्थी की नियुक्ति निश्चित समय के लिए की गई थी, जिसकी समाप्ति पर प्रार्थी की सेवा स्वतः समाप्त हो गई। अप्रार्थी

के विद्वान अधिवक्ता का यह भी तर्क है कि प्रार्थी ने अप्रार्थी संस्थान की विभिन्न यूनिटों में बतौर वार्ड बाँध व बतौर श्रमिक के कार्य किया है जैसा कि कार्यालय आदेश प्रदर्श डब्ल्यू-1, डब्ल्यू-3 आदि से स्पष्ट है। उनका तर्क है कि अप्रार्थी संस्थान में विभिन्न यूनिटों में कार्य करने की अवधि को अधिनियम, 1947 की धारा 25-एफ के प्रयोजनार्थ 240 दिन की गणना करने हेतु सम्मिलित नहीं किया जा सकता। उन्होंने अपने तर्क के समर्थन में 2000(3) आर.एल.आर. पृष्ठ 307 राजस्थान राज्य बनाम अरुण कुमार व अन्य का उद्धृत किया है, जिसमें अभिलिखित किया गया है कि सार्वजनिक निर्माण विभाग की अलग-अलग इकाईयों में श्रमिक के द्वारा किए गए कार्य की अवधि को अधिनियम, 1947 की धारा 25-एफ के प्रयोजनार्थ 240 दिन की गणना करने हेतु सम्मिलित नहीं किया जा सकता। प्रथम तो इस वाक्य अप्रार्थी की ओर से जवाब में कोई ऐसी आपत्ति ही नहीं उठाई गई, अतः उक्त आपत्ति पर विचार नहीं किया जा सकता। दूसरे अप्रार्थी संस्थान में बतौर वार्ड बाँध के अथवा श्रमिक के कार्य करने को अप्रार्थी संस्थान की पृथक-पृथक इकाई में कार्य करना नहीं कहा जा सकता व उक्त न्याय दृष्टान्त प्रस्तुत मामले में सुसंगत नहीं है। प्रार्थी की सेवा समाप्ति छंटनी के तहत आना पाया जाता है व अप्रार्थी के द्वारा अधिनियम, 1947 की धारा 25-एफ की अवहेलना कर प्रार्थी का सेवा समाप्ति किया जाना प्रमाणित है। प्रार्थी के विद्वान अधिवक्ता अधिनियम, 1947 की धारा 25-जी व नियम 1957 के नियम 77 का उल्लंघन करने के आरोप में के बारे में जोर नहीं देने है।

बिन्दु सख्या 6 — अधिनियम, 1947 की धारा 25-एफ का उल्लंघन किये जाने के कारण प्रार्थी की सेवा समाप्ति अवधि व अनुवित पाई जाती है। प्रार्थी के द्वारा नेमानुमाप्ति के बारे में समझौता अधिकारी के समक्ष विवाद सन् 1997 में उठाया गया है। देरी में विवाद उठाये जाने का उसने कोई कारण नहीं बताया है। उक्त परिस्थितियों में प्रार्थी को पिछली मजदूरी जो कि वह सेवा समाप्ति के समय प्राप्त कर रहा था, का 50 प्रतिशत विलाया जाना उचित होगा। प्रार्थी विपक्षी संस्थान में पुनः सेवा में आने का अधिकारी होगा। उसकी सेवा विपक्षी संस्थान में निरन्तर मानी जाएगी व वह विपक्षी से पिछली मजदूरी का 50 प्रतिशत प्राप्त करने का अधिकारी होगा। अप्रार्थी अधिनियम, 1947 की धारा 25-एफ की पालना कर प्रार्थी की सेवा समाप्त करने के लिए स्थतंत्र होगा।

पचाट की प्रतिलिपि केन्द्रीय सरकार को अधिनियम, 1947 की धारा 17 की उपधारा (1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जाये।

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पीठासीन अधिकारी

नई दिल्ली, 14 फरवरी, 2001

का.आ 464—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्कैलोजिकल सर्वे आफ इंडिया के प्रबंधन के सबूत नियोजको और उनके कर्मकारा के बीच, अनुबध में निर्दिष्ट औद्योगिक विवाद, में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-2-2001 को प्राप्त हुआ था।

[स. एल-42012/39/99-आई.आर. (डी.यू.)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 14th February, 2001

S.O. 464.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Archaeological Survey of India and their workman, which was received by the Central Government on 13-02-2001.

[No. L-42012/39/99-IR(DU)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presenting Officer

Reference No. CGIT-2/99

Employers in relation to the management of Archaeological Survey of India.

AND

Their workman Shri Sampatkumar Duvedi.

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 has referred this dispute for adjudication vide order No. L-42012/39/99/IR(DU) dated 22-07-1999 on the following schedule.

SCHEDULE

“Whether the action of the management of Archaeological Survey of India through its Superintendent, Prehistory Branch, Old High Court Building, Nagpur-I in terminating the services of Shri Sampat Kumar Indralal Duvedi is legal and justified? If not, to what relief the workman is entitled?”

Sampat Kumar Duvedi has submitted Statement of Claim on 6-12-99 that he was appointed as a labour

from 22-2-1996 in Archaeological Survey of India, Old High Court Building. He was continuously working from 22-2-1996 to 31-10-1997. His services has been terminated w.e.f. 31-10-1997. He was being paid Rs. 47 per day as his wages. He has worked for more than 240 days. Besides working as a labour he was also performing the duty of watchman.

He was again provided work from 25-3-1998 to 14-4-1998. He may be reinstated.

The Superintendent, Archaeological Survey of India contested the case on the ground that the workman was a casual labour and was not the employee of the management. He was called for work and when the work was available. He did not work continuously for 240 days in any calendar year. He was given chance to work as casual nature on 25-9-1998, but he did not turn up for work. He had worked from 25-3-1998 to 14-4-1998 and thereafter he absented without prior permission and authorisation. He is not entitled for any compensation or reinstatement.

Both the parties have filed documents and have also produced oral evidence. Sampatkumar Duvedi examined himself. For management the statement of S. K. Mitra was recorded.

I have heard the arguments of the advocate of the workman and the representative of the management and have considered the entire oral and documentary evidence on record.

The statement of Shri S. K. Mitra shows that the workman had worked from 22-2-1996, but he did not work continuously. He did not work from 26-5-1996 to 29-5-1996 (4 days), from 25-7-1996 to 04-8-1996 (7 days), from 03-3-1997 to 31-3-1997 (29 days), from 28-7-1997 to 4-8-1997 (8 days) and from 4-11-1997 to 24-3-1998 (for about 4-1/2 months).

Again he work from 28-4-1998 to 7-7-1998. From 15-4-1998 he did not work. The statement of this witness further shows that the workman did not work continuously for 240 days in 1996 or 1997. There were gaps during the period of his work. As he was casual labour, there was no necessity of giving him any notice or conveyings order for termination.

The statement of Sampatkumar Duvedi also shows that no appointment letter was issued to him by Archaeological Department. He says that he was employed for 5 months. He was getting wages Rs. 47 per day. His statement therefore shows that he was working on daily wages and was not appointed for any regular work.

The Superintendent of Archaeological Survey of India has submitted book "Archaeological Works Code" Containing rules to regulate the execution and accounting of Archaeological works.

Rule 14.7.1 of Archaeological Work Code shows that the persons employed on jobs of purely casual nature and for short durations are not regular employees and come under the category of day to day employees. Appointment of labour for more than

200 days in a calendar year would need approval of the Director General.

It is argued that the workman was not doing the regular work hence, no approval of Director General of Archaeological Department was obtained as mentioned in Appendix XV page 233 of the above code.

The counsel for the workman has agreed that the workman was given artificial breaks thus it is admitted to the workman's counsel that he (workman) did not work continuously for more than 240 days and there were breaks in his period of employment.

The counsel for the workman has cited ruling Bhikku Ram Vs. The Presiding Officer Industrial Tribunal-cum-Labour Court, Rohtak, 1995 Lab. I.C 2448. This ruling is not applicable in this case. It is concerned with contractual employment. In this case the workman did not work for three years continuously.

1998 Supreme Court Cases (L&S) 170 Rattan Singh Vs. Union of India and Another. The service of the workman was not terminated in the present case but he himself absented and did not turn up for work. Hence this ruling is not applicable. Another ruling, Kamal Kant Gautam & others Vs. Distt. Magistrate, Muzzaffarnagar & others, 1996 (74) FLR 2136 is also not applicable in this case. In the case cited in the ruling Kamal Kant Gautam had worked for about 11 years on the temporary post of Registration clerk. This ruling is not applicable in this case.

Other ruling 2000 I CLR 542 shows that there was agreement between the employer and the employee to make the workman permanent. This is not the case of workman Sampat Kumar Duvedi. The other ruling 199 SCC (L&S) 592, 199(2) Mhs L.J. 876 are also not applicable in this case because the workman did not work continuously for 240 days. There were long gaps during the period he worked. He was not employed for any permanent job.

In view of the evidence and circumstances discussed above the action of management of Archaeological Survey of India in terminating the services of Sampat Kumar Duvedi is legal and justified.

ORDER

The action of the management of Archaeological Survey of India through its Superintendent, prehistory Branch, Old High Court Building, Nagpur 1 in terminating the services of Shri Sampatkumar Duvedi is legal and justified.

The workman is not entitled to any relief.

The reference is answered accordingly.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 14 फरवरी, 2001

का.आ. 465:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरदर्शन केन्द्र, जयपुर के प्रबंधन के संबंध नियो-जकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-2-2001 को प्राप्त हुआ था।

[सं. एल-42012/70/97-आईआर. (डी.यू.)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 14th February, 2001

S.O. 465.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Doordarshan Kendra, Jaipur and their workmen, which was received by the Central Government on 13-02-2001.

[No. L-42012/70/97-IR(DU)]

N. P. KESHVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. B-49/98

Reference No. L-42012/70/97/IR(DU) dt. 10-12-97

Manak Chand Solanki,
S/o Bhiya Ram by caste Sen.
resident of Sen Colony,
Jhalana Doongari, Jaipur.

V/S.

1. Director,
Doordarshan Kendra,
Jhalana Doongari, Jaipur.
2. Secretary,
Ministry of Information & Broad Casting,
Government of India,
New Delhi.

ATTENDANCE :

For the applicant : Shri Himanshu Kumar Agnihotri.

For the non-applicant : Shri Tej Prakash Sharma.

Date of Award : 10-11-2000.

AWARD

The Central Government has referred the following dispute under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as Act, 1947) for adjudication.

"Whether the action of the management of Doordarshan Kendra, Jhalana Doongari, Jaipur is

justified in terminating the services of the workman Shri Manak Chand Solanki (Sen), Floor Assistant w.e.f. 1-5-94? if not, to what relief to the workman is entitled to and from what date?"

The applicant filed the statement of claim stating that he applied for the post of Floor Assistant and after interview he was asked to join from 12-1-88 vide appointment letter dt. 13-1-88. He joined duty on 12-1-88. His appointment was upto 20-1-88 which was renewed upto 30-4-88 vide which he was employed for 10 days atleast in a month. He was paid Rs. 70 per day on completion of work. His services were terminated by the non-applicants w.e.f. 1-5-94 without giving any notice although he had worked for 240 days in a calendar year. Muster rolls were prepared on Kendra basis and not on All India basis which is illegal. The principle of "first come last go" was also violated by non-applicants while terminating his services. Other Kendras continued to recruit the workmen on the post, the applicant was working. It was also contended that the policy of reservation did not obstruct reinstatement and he was at Sr. No. 1 in merit list. It was prayed that the applicant may be reinstated in service with back wages.

The non-applicants in reply have stated that the applicant was booked as casual artist to work as Floor Assistant from 12-1-88 to 20-1-88 except 17-1-88 for 8 days only and paid Rs. 70 per day. It was denied that the period of casual engagement was renewed upto 30-4-88. It was stated that his engagement was purely on casual basis and for actual days of work as per requirement and not for continuous period on month to month basis. It was denied that muster roll was prepared. It was stated that Index card in the prescribed format was maintained showing the days of the workman, dates of their booking, purpose of booking and the amount of payment. As regards roster reservation it was stated that it was followed properly as per the Government instructions. It was further stated that the applicant was governed by the Scheme of regularisation dt. 9-6-92 and modified Scheme dt. 17-3-94 which were framed on the direction of the CAT principal bench, New Delhi and upheld by the Apex Court. It was stated that the applicant is eligible for regularisation as per the modified Scheme dt. 17-3-94 as he is at Sr. No. 15 in the eligible list.

Applicant filed rejoinder to the reply stating that he was temporary employee and not a casual workman and he is at Sr. No. 1 in the list of Floor Assistant.

The applicant in support of his claim filed his own affidavit. The learned counsel for the non-applicants was given opportunity to cross examine him on his affidavit. On behalf of the non-applicant affidavit of Shri Laxmichand Sharma Senior Administrative Officer was filed. The learned counsel for the applicant was given opportunity to cross examine him on his affidavit. On behalf of both the parties copies of certain documents were filed which will be referred at the appropriate place.

Heard arguments of the learned counsels for the parties and perused the record. The following points require consideration :—

1. Whether the applicant has worked under the establishment of non-applicants from 12-1-88 to 30-4-94 continuously?
2. Whether the non-applicants have violated provisions of sections 25F and G of the Act, 1947?
3. To what relief the applicant is entitled?

POINT NO. 1 : It is not disputed that the applicant was given appointment vide letter dt. 13-1-88 (Ex. W-2) for a period of 7 days. Although it has been denied by Shri Laxmichand Sharma that the applicant was called for interview but the interview letter dt 9-12-87 has been admitted by him. Therefore, it does not remain disputed that the applicant was given appointment after interview. The applicant has admitted that accordingly to the roster, work was given to him for 10 days in a month. Although in the appointment letter it has been stated that the appointment is temporary but it has also been stated that he was given appointment for a fixed period. The statement regarding actual working days of the applicant (R-2) has been filed by the non-applicants. The applicant has not stated that the statement is not correct. As per the statement the applicant has worked as follows:—

PERIOD	NO. OF DAYS
YEAR 1988	
12-1-88 to 20-1-88 (except 17-1-88)	8 Days
21-6-88 to 30-6-88 (except 26-6-88)	9 Days
21-11-88 to 30-11-88 (except 27-11-88)	9 Days

Total :—26 Days

YEAR 1989	
11-5-89 to 20-5-89 x	10 Days
11-8-89 to 20-8-89	10 Days
21-10-89 to 31-10-89 (except 29-10-89)	10 Days
11-12-89 to 20-12-89	10 Days
Total :	40 Days

YEAR 1990	
22-3-90 to 31-3-90	10 Days
11-6-90 to 20-6-90	10 Days
21-7-90 to 30-7-90	10 Days
21-8-90 to 30-8-90	10 Days
21-9-90 to 30-9-90	10 Days
22-10-90 to 31-10-90 (except 28-10-90)	09 Days
21-11-90 to 30-11-90 (except 25-11-90)	09 Days
21-12-90 to 30-12-90	10 Days

Total : —78 Days

YEAR 1991

10-1-91 to 19-1-91	10 Days
31-3-91 to 09-4-91	10 Days
01-7-91 to 10-7-91	10 Days
01-8-91 to 10-8-91	10 Days
01-9-91 to 10-9-91	10 Days
01-10-91 to 10-10-91	10 Days
01-11-91 to 10-11-91	10 Days
1-12-91 to 10-12-91	10 Days

Total :—80 Days

YEAR 1992

1-01-92 to 10-1-92	10 Days
1-02-92 to 10-02-92	10 Days
1-03-92 to 10-03-92	10 Days
1-04-92 to 10-04-92	10 Days
1-05-92 to 10-05-92	10 Days
1-06-92 to 10-06-92	10 Days
1-07-92 to 10-07-92	10 Days
1-08-92 to 10-08-92	10 Days
1-09-92 to 10-09-92	10 Days
8-10-92 to 15-10-92	8 Days
1-11-92 to 10-11-92	10 Days
11-12-92 to 20-12-92	10 Days

Total :—118 Days

YEAR 1993

1-01-93 to 10-01-93	10 Days
1-06-93 to 10-06-93	10 Days
1-07-93 to 10-07-93	10 Days
1-08-93 to 10-08-93	10 Days
1-09-93 to 10-09-93	10 Days
21-10-93 to 31-10-93	10 Days
11-11-93 to 20-11-93	10 Days
21-12-93 to 30-12-93	10 Days

Total :—80 Days

YEAR 1994

1-01-94 to 10-01-94	10 Days
21-03-94 to 30-03-94	10 Days
3-04-94 to 10-04-94	08 Days

Total :—28 Days

As per the above statement the applicant has worked from 12-1-88 to 10-1-94 only for the period mentioned above. It is not proved that the applicant has worked from 12-1-88 to 30-4-94 continuously. As regards nature of the employment simply because in the appointment letter temporary appointment has been mentioned it cannot be held that the appointment was of the said nature. As per the statement the applicant worked not more than 10 days in a month and even during certain months he did not work. The statement of Shri Laxmi Chand Sharma that the appointment was casual in nature as per the requirement is believable. The applicant thus worked during above period on casual and on rotational basis.

Point No. 2.—As per the appointment letter the appointment of the applicant was for a fixed period of 7 days and thereafter on rotational basis ranging from 8 to 10 days in a month. There is no evidence that before the termination of the service of the applicant the applicant has worked continuously from 13-1-88 to 30-4-94 or has worked for 240 days in any year or in the year preceding to the date of termination of service. The violation of section 25-F, therefore, is not proved. As regards violation of section 25-G the applicant has stated that Vijay Singh Jasoria junior to him was retained in service. It was admitted by him that Jasoria was given permanent appointment. Thus provisions of section 25-G also are not attracted.

Point No. 3.—On the basis of the above discussion the termination of the service of the applicant cannot be held to be illegal and unjustified.

As regards seniority of the applicant it has been stated by Shri Laxmi Chand Sharma that he is at Sr. No. 15. In the failure report it has been admitted by the management that in the list of OBC he is at S. N. 1 in the seniority list.

The learned counsel for the non-applicants has submitted that the applicant is entitled for regularisation as per the Regularisation Scheme dated 17-3-94 and the non-applicants are willing to consider the applicant for regularisation as per the above Scheme and according to the seniority as per the pronouncement of the Apex Court reported in 1998 (8) SCC 760 case of Director General Doordarshan House and Another v/s. Lalit Vikram. In the above case it was held by the Apex Court in a similar case that the applicant was entitled to be considered for regularisation as Floor Assistant as per the revised Scheme dated 17-3-94 treating that the applicant was eligible for regularisation on 9-6-92. In view of the submission of the learned counsel of the non-applicants similar direction is issued to the non-applicants to consider the case of the applicant for regularisation treating him to be eligible for regularisation as on 9-6-92.

The copies of the award may be sent to the Central Government under section 17(1) of the Act, 1947 for publication.

Sd/-
Presiding Officer

नई दिल्ली, 14 फरवरी, 2001

का.आ. 466:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दूरदर्शन केन्द्र, जयपुर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पचाट का प्रकाशित करती है, जो केन्द्रीय सरकार को 13-2-2001 को प्राप्त हुआ था।

[सं. एल-42012/163/99-आई.आर. (डी.यू.)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 14th February, 2001

S.O. 466.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Doordarshan Kendra, Jaipur and their workman, which was received by the Central Government on 13-02-2001.

[No. L-42012/163/99-IR(DU)]

N. P. KESAVAN, Desk Officer

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय,
जयपुर।

प्रकरण संख्या :—सी.आई.टी./जे.-70/99

आदेश संख्या :—एल-42012/163/99/आई.आर. (डी.यू.)
19-11-99

श्रीमती बीना शर्मा,
84/327, रावल मार्ग,
प्रताप नगर, मांगानेर,
जयपुर।

—प्राथमिक

वताम

1. भारत सरकार, जरिये सचिव,
सूचना एवं प्रसारण मंत्रालय,
शास्त्री भवन,
नई दिल्ली।
2. प्रसार भारती (भारतीय प्रसार निगम)
नई दिल्ली,
जरिए डायरेक्टर जनरल,
दूरदर्शन भवन,
कॉपरनिक्स मार्ग,
मण्डी हाऊस, नई दिल्ली।
3. प्रसार भारती (भारतीय प्रसार निगम)
दूरदर्शन केन्द्र, भालाना इगरी,
जयपुर जरिये निदेशक।

—अप्रार्थीगण

उपस्थित :

प्राथियों की ओर से श्रीमती नमिता परिहार ।

अप्रार्थीगण की ओर से श्री तेज प्रकाश शर्मा ।

पंचाट दिनांक 17-11-2000

पंचाट

उक्त आवेग के जर्गि निम्न विवाद केन्द्रीय सरकार के द्वारा औद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में अधिनियम, 1947 कहा गया है) की धारा 10 की उपधारा (1) के खंड-घ के प्रावधानों के अन्तर्गत न्यय निर्णयन हेतु निवेशित किया गया :—

“Whether the action of the Director, Doordarshan Kendra Jaipur of not giving work to Smt. Veena Shukla, Makeup Assistant and Discriminating her in comparison to junior employees namely Smt. Hazarzeb and Smt. Chandra Vanjani and violating the provisions of equality, natural justice and conditions laid down by the management for providing atleast 10 days work in a month is justified? If not, to what relief to the workman is entitled and from what date?”

प्राथिया की ओर से स्टेटमेंट आफ क्लेम प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि जयपुर दूरदर्शन केन्द्र का स्टूडियो सन् 1987 से कार्य करने लगा । कर्मचारियों की कमी के कारण म्याई पदों का कार्य अनुबंध के आधार पर किया जाने लगा । दिनांक 15-12-87 को साक्षात्कार के पश्चात् उसका नाम मेकअप सहायक के पैनल में डाला गया व प्रशिक्षण के पश्चात् दिनांक 1-1-88 से उसकी नियुक्ति अप्रार्थी संस्थान में मेकअप सहायक के पद पर अनुबंध के आधार पर की गई । नियुक्ति के समय उसकी आयु भारत सरकार द्वारा निर्धारित आयु सीमा के अन्तर्गत थी । महिलाओं के लिए आयु सीमा में पांच वर्ष की छूट का प्रावधान है । उसकी जन्म तिथि 20-10-55 होने से उसकी उम्र नियुक्ति के दिन 32 वर्ष की थी । आकस्मिक कर्मचारी के रूप में दिनांक 1-2-88 से उसे नियुक्ति दी गई तथा 1-2-88 से 31-1-98 तक उसने हर माह 10 दिन के लिए निर्धारित वेतन दर पर अनुबंध के आधार पर कार्य किया । अप्रार्थीगण द्वारा 10 दिन प्रति माह के अनुबंध के अनुसार कभी कार्य नहीं दिया गया व कार्य देते समय यह ध्यान रखा गया कि कोई भी कर्मचारी एक वर्ष में 120 दिन पूरा न कर पाए इस कारण किसी भी कर्मचारी ने एक वर्ष में 120 दिन पूरे नहीं किए । माननीय उच्चतम न्यायालय व केन्द्रीय प्रशासनिक अधिकरण, मुख्य पीठ, नई दिल्ली द्वारा ओ.ए. नं. 563/86 निर्णय दिनांक 14-2-92 में दिए गए निर्देशानुसार भारत सरकार ने आकस्मिक कर्मचारियों को नियमित करने हेतु एक योजना

दिनांक 9-6-92 को जारी की । उसमें संशोधन कर दिनांक 17-3-94 को संशोधित योजना जारी की गई, जिसके द्वारा वास्तविक कार्य दिवस की गणना के संबंध में स्पष्टीकरण जारी किया गया । पत्र दिनांक 8-9-94 द्वारा उसे सूचित किया गया कि उसका प्रकरण मेकअप सहायक के पद के लिये विचाराधीन है, परन्तु दिनांक 31-1-98 के पश्चात् उसे ड्यूटी देना बन्द कर दिया । इस बारे में उसे कोई सूचना नहीं दी गई व न कोई कारण बताया गया । उससे कनिष्ठ कर्मचारी हाजरा जेब व चन्द्रा वंजानी उसकी तरह ही नियुक्त हुई, उन्हें नियमित बुकिंग दी जा रही है । इस प्रकार अप्रार्थीगण के द्वारा दुर्भाग्यपूर्ण नीति अपनाई जा रही है । यह भी उल्लेख किया गया कि हाजरा जेब व चन्द्रा वंजानी निर्धारित आयु सीमा में अधिक उम्र की होने पर भी सेवा में है । हाजरा जेब को आकस्मिक पैनल में आयु सीमा में नहीं होने के कारण पूर्व में बाहर कर दिया गया था व कुछ समय बाद उसे पुनः बुकिंग देना शुरू कर दिया । प्रार्थना की गई कि भारत सरकार द्वारा जारी योजना दिनांक 9-6-92 व 17-3-94 के अनुसार मेकअप सहायक के पद पर निरन्तर सेवा में मानते हुए समस्त लाभ व परिलाभ दिलाये जाए व नियमित करने का आवेग किया जाए व पूर्वानुसार नियमित बुकिंग हेतु निर्देश दिए जाए ।

अप्रार्थीगण की ओर से जवाब प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि प्राथिया अधिनियम, 1947 की धारा 2(एस) के अन्तर्गत “कर्मकार” को श्रेणी में नहीं आती व न अप्रार्थी संस्थान “उद्योग” की परिभाषा में आता है । अनुबंध समाप्ति के पश्चात् प्राथिया की सेवा स्वयं समाप्त हो गई । मेकअप सहायक की भर्ती हेतु निर्धारित आयु सीमा 21 से 30 वर्ष तक की है, जब कि प्राथिया प्रथम बुकिंग के दौरान ही अधिक आयु की पाई गई थी । इस कारण निर्धारित योजना के अन्तर्गत नियमित किए जाने को पात्र नहीं पाई गई । पात्रता/वरिष्ठता सूची में उन्हीं आकस्मिक कर्मचारियों को शामिल किया गया, जिनकी आयु नियमों के अन्तर्गत निर्धारित आयु सीमा के अन्तर्गत थी । मेकअप सहायक के पद हेतु उम्र की पात्रता 18 से 25 वर्ष थी । प्राथिया को पात्रता सूची में उसकी उम्र निर्धारित आयु से अधिक होने के कारण नहीं रखा गया । हाजरा जेब को नवम्बर, 99 के पश्चात् कोई बुकिंग नहीं दी गई परन्तु केन्द्रीय प्रशासनिक अधिकरण की जयपुर बैच के द्वारा ओ.ए. नं. 572/1999 में पारित आदेश दिनांक 31-3-2000 के अनुसार उसे आकस्मिक रूप से कार्य दिया गया ।

प्राथिया की ओर से जवाब का प्रत्युत्तर प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि नियमों के अनुसार महिला अप्रार्थी हेतु अधिकतम आयु सीमा 35 वर्ष की थी ।

प्राथिया की ओर से क्लेम के समर्थन में स्वयं का अपयत्न प्रस्तुत किया गया, जिस पर प्रतिपरीक्षा करने का अवसर अप्रार्थी के अधिवक्ता को दिया गया । अप्रार्थीगण

की ओर से लक्ष्मीचन्द शर्मा का णपथ-पत्र प्रस्तुत किया गया, जिस पर प्रतिपरीक्षा करने का स्वयंसेवक प्राथिया की अधिवक्ता को दिया गया। प्राथिया की ओर से प्रलेखीय साक्ष्य में प्रतिलिपि वास्तविक वार्य दिवस का विवरण प्रदर्श डब्ल्यू-1 प्रतिलिपि कार्यालय जापान प्रदर्श डब्ल्यू-2, 3, प्रतिलिपि वरिष्ठ प्रशासनिक अधिकारी प्रदर्श डब्ल्यू-4, 5, 7, प्रतिलिपि प्रार्थना पत्र समझौता शिवागरी के समक्ष प्रदर्श डब्ल्यू-6, प्रतिलिपि अग्रफल वार्ता प्रतिवेदन प्रदर्श डब्ल्यू-8, प्रतिलिपि नोटिस प्रदर्श डब्ल्यू-9 प्रस्तुत किये। अप्रार्थीगण की ओर से अधिकरण के निर्देश पर पावता सूची व अपावता सूची प्रस्तुत की गई।

बहस सती गई एवं पत्रावली का अन्वेषण किया गया।

इस बारे में कोई विवाद नहीं है कि प्राथिया वीना शबला, हाजरा जेब व चन्द्रा वजानी का साथ-साथ साक्षात्कार हुआ था, प्राथिया व चन्द्रा वजानी का मेकअप सहायक के पद पर व हाजरा जेब का प्रवर्तन सहायक के पद पर। प्राथिया ने स्वीकार किया है कि हाजरा जेब व चन्द्रा वजानी को अनुबन्ध उसमें पर्व प्राप्त हुआ था व इस प्रकार यह भी विवादित नहीं रहता कि चन्द्रा वजानी व हाजरा जेब प्राथिया से कनिष्ठ नहीं है। विचार यह करना है कि प्राथिया को हाजरा जेब व चन्द्रा वजानी के समान एक माह में 10 दिन अप्रार्थीगण के द्वारा कार्य न दिया जाकर समानता व प्राकृतिक न्याय के सिद्धांतों का उल्लंघन किया गया है।

यह विवादित नहीं है कि प्राथिया को दिनांक 31/1/98 से मेकअप सहायक की बुकिंग अप्रार्थीगण के द्वारा नहीं दी गई। जहां तक हाजरा जेब की बुकिंग दिये जाने का प्रश्न है विपक्षीगण के साथी लक्ष्मीचन्द शर्मा का कथन है कि उसे नवम्बर, 1999 से कोई बुकिंग नहीं दी गई परन्तु केन्द्रीय प्रशासनिक अधिकरण बेंच, जयपुर के आदेश दिनांक 31/3/2000 की पालना से उसे बुकिंग दी गई। हाजरा जेब प्रवर्तन सहायक के पद पर कार्य करती हैं कि मेकअप सहायक के पद पर व इस प्रकार उसका वेग प्राथिया से भिन्न है। जहां तक चन्द्रा वजानी को अप्रार्थीगण के द्वारा एक माह में 10 दिन कार्य उपलब्ध कराने का प्रश्न है प्राथीगण की ओर से ऐसा उल्लेख किया गया है कि प्राथिया की उच्च प्रारम्भिक नियुक्ति के समय नियमों में निर्धारित आयु में अधिकारी व नियमितकरण की पावता सूची के पैल में उसका नाम नहीं था, इस कारण उसे बुकिंग नहीं दी गई। सर्वप्रथम नियमों के अधीन मेकअप सहायक के पद पर नियुक्ति हेतु अधिकतम आयुसीमा 30 वर्ष निर्धारित है। पावता सूची जो विपक्षीगण की ओर से प्रस्तुत की गई है उसके अनुसार चन्द्रा वजानी व प्राथिया दोनों ही 30 वर्ष से अधिक उम्र की थी। चन्द्रा वजानी नियमितकरण के पैल में ता रखी गई थी परन्तु प्राथिया का नाम उक्त सूची में नहीं रखा गया। अप्रार्थीगण ने विद्वान अधिवक्ता इस बारे में कोई कारण नहीं बता सके हैं कि ऐसा "न्योकर" किया

गया जब कि चन्द्रा वजानी व प्राथिया दोनों ही प्रारम्भिक नियुक्ति के समय निर्धारित आयुसीमा में अधिक की थी। इस प्रकार अप्रार्थीगण की ओर से दिया गया यह तर्क कि प्राथिया को उच्च कारण नियमितकरण के पैल में नहीं रखा गया व उसे बुकिंग इस कारण नहीं दी गई थी कि वह प्रारम्भिक नियुक्ति के समय निर्धारित उम्र में अधिक उम्र की थी, सारहीन है। इस प्रकार चन्द्रा वजानी को महीने में 10 दिन बुकिंग दिया जाना व प्राथिया को उक्त आधार पर बुकिंग न दिये जाने से समानता व प्राकृतिक न्याय के सिद्धांतों का उल्लंघन हुआ है।

प्राथिया के विद्वान अधिवक्ता का तर्क है कि प्राथिया नियमितकरण योजना दिनांक 9-6-92 व संशोधित योजना दिनांक 17-3-94 के अधीन मेकअप सहायक के पद पर नियमितकरण की पाव है। इस अधिकरण का न्यायनिर्णयन का क्षेत्राधिकार निर्देश आदेश तक ही सीमित है व उक्त बिन्दु न्यायनिर्णयन हेतु निर्देशित नहीं किया गया, अतः उक्त बिन्दु पर विचार नहीं किया जा सकता। प्राथिया नियमितकरण के आदेश से यदि पीड़ित होती है तो उसके बारे में विधि के अनुसार कार्यवाही कर सकती है।

चूंकि अप्रार्थीगण के द्वारा प्राथिया को महीने में 10 दिन बुकिंग चन्द्रा वजानी के समान नहीं दी गई, अतः प्राथिया चन्द्रा वजानी ने जो वेतन 31-1-98 के पश्चात् अप्रार्थी स 3 से प्राप्त किया है उसका 50 प्रतिशत प्राप्त करने की अधिकारिणी होगी व चन्द्रा वजानी के समान बुकिंग पाने की अधिकारिणी होगी।

पचाट की प्रतिलिपि केन्द्रीय सरकार को अधिनियम, 1947 की धारा 17 की उपधारा (1) के अन्तर्गत प्रदान-नार्थ प्रेषित की जाये।

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पीठासीन अधिकारी

नई दिल्ली, 14 फरवरी, 2001

का आ. 167—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरदर्शन केन्द्र, जयपुर के प्रवर्तन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद से केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 13/02/2001 को प्राप्त हुआ था

[म एल.-42012/182/98-आई आर (डी.यू.)]

एन पी. केशवन, डैस्क अधिकारी

New Delhi, the 14th February, 2001

SO 467.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour

Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Doordarshan Kendra, Jaipur and their workman, which was received by the Central Government on 13-2-2001.

[No. L-42012/182/98-IR(DU)]

N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. B-47/98

Reference No. L-42012/182/98/IR(DU)

Dated : 9-12-1998

Shri Nanak Chand,
S/o Shri Nand Ram, 1/916,
Bhim Basti, Jhajjar Road,
Rewari (Haryana)-123401

V/s.

Director,
Doordarshan Kendra,
Near Jhalana Dungari,
Jaipur-302001.

ATTENDANCE :

For the applicant—Shri Kunal Rawat.

For the non-applicant—Shri Tej Prakash Sharma.

Dated of Award—10-11-2000.

AWARD

The Central Government has referred the following industrial dispute under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as the Act, 1947) for adjudication :

“Whether the action of the Director, Doordarshan Kendra, Jaipur in terminating the services of workman Shri Nanak Chand, Floor Assistant is legal and justified? If not, to what relief the workman is entitled?”

The applicant filed the statement of claim stating that he was appointed as temporary Floor Assistant in the establishment of non-applicants on 23-5-1988. He worked continuously there upto September, 1994. He was entitled for regularisation on the above post. However, his services were terminated in the month of September, 1994 without assigning any reason and in violation of provisions of section 25(F) of the Act, 1947. It was also stated that seniority list prepared by the non-applicant required correction by striking off the names of unnecessary persons. It was prayed that order of termination of his services be set-aside and he may be regularised on the post of Floor Assistant with full back wages.

In the reply the non-applicants stated that the applicant was engaged as casual artist as per requirement on 10 days in a month on rotational basis. After filling up all the posts of Floor Assistants there was no necessity of engaging casual Floor Assistant hence that

applicant was not engaged. There was not bad, mala fide intention in discontinuing the services of the applicant. It was further stated that casual artists of Doordarshan are governed by the regularisation scheme dated 19-6-92 as well as modified Scheme dated 17-3-94 which was framed on the directions of CAT principal bench New Delhi and upheld by the Supreme Court of India. The applicant is eligible for regularisation as Floor Assistant on his seniority at Serial No. 13 in the eligibility list.

The applicant filed rejoinder to the reply stating that if the name of the persons who have left the service are excluded from the seniority list his seniority comes at Sr. No. 7 but the non-applicants have not made correction in the seniority list.

On the basis of the pleadings of the parties the following points of disputes were framed :—

विवाद बिन्दु

- (1) आया प्रार्थी ने दि. 23-5-88 में निम्नस्वर, 94 तक अप्रार्थी संस्थान में लगातार कार्य किया है ?
- (2) आया प्रार्थी के द्वारा औद्योगिक विवाद अधिनियम 1947 की धारा 25-एफ का उल्लंघन किया गया है।
- (3) आया दूरदर्शन केन्द्र के आकस्मिक कलाकार “रेगुलारिजेशन स्कीम दि. 9-6-92 व संशोधन स्कीम दि. 17-3-94 जो कि केन्द्रोप प्रशासनिक अधिकरण मुख्य पाठ, नई दिल्ली के निर्देश पर तैयार की गई थी, के द्वारा शासित होने है।
- (4) प्रार्थी किस महायता को प्राप्त करने का अधिकारी है ?

The applicant filed his own affidavit in support of his claim. The learned counsel for the non-applicants was given opportunity to cross examine him on his affidavit. On behalf of the non-applicant the affidavit of Shri Laxmi Chand Sharma, Senior Administrative Officer was filed. The learned counsel for the applicant was given opportunity to cross examine him on his affidavit. Copies of certain documents were also filed on behalf of both the parties which will be referred at the appropriate place.

Heard arguments of the learned counsel for both the parties and perused the record. The points are decided as follows :—

Point No. 1.—Shri Laxmi Chand Sharma has admitted that the applicant was appointed vide letter dated 23-5-88 marked Ex. W-11. Although it has been denied by Shri Laxmi Chand Sharma that the applicant was interviewed but the letter for interview (Ex. W-14) has been admitted by him. It is, therefore, proved that the applicant was given appointment on the above post after interview. Although in the appointment letter it has been mentioned that the applicant has been given appointment for a period of 9 days on temporary basis. However, the appointment cannot be said to be temporary as the applicant himself has admitted that he was given job for 10 days in a month only. He has filed copy of the

statement of actual working days (Ex. W-20) which was admitted by Shri Laxmi Chand Sharma to be correct. As per the statement the applicant has worked from 21-5-88 to 30-7-94 as follows :—

		1992	
Period	No. of Days		
<u>1988</u>			
21-05-88 to 31-05-88	09 days	01-01-92 to 10-01-92	10 days
(except 22, 29-5-88)		01-02-92 to 10-02-92	10 days
21-12-88 to 30-12-88	10 days	01-03-92 to 10-03-92	10 days
		01-04-92 to 10-04-92	10 days
		01-05-92 to 10-05-92	10 days
		01-06-92 to 10-06-92	10 days
		01-07-92 to 10-07-92	10 days
		01-08-92 to 10-08-92	10 days
		01-09-92 to 10-09-92	10 days
		08-10-92 to 15-10-92	08 days
		01-11-92 to 10-11-92	10 days
		01-12-92 to 10-12-92	10 days
	<u>19 days</u>		<u>118 days</u>
<u>1989</u>		<u>1993</u>	
11-02-89 to 20-02-89	10 days	01-01-93 to 10-01-93	10 days
21-03-89 to 31-03-89	10 days	01-02-93 to 10-02-93	10 days
(except 22-03-89)		01-03-93 to 10-03-93	10 days
21-06-89 to 30-06-89	10 days	01-05-93 to 10-05-93	10 days
01-10-89 to 10-10-89	10 days	21-06-93 to 30-06-93	10 days
	<u>40 days</u>	01-07-93 to 10-07-93	10 days
		21-09-93 to 30-09-93	10 days
		01-10-93 to 10-10-93	10 days
		21-11-93 to 30-11-93	10 days
			<u>90 days</u>
<u>1990</u>		<u>1994</u>	
11-02-90 to 20-02-90	10 days	01-04-94 to 10-04-94	10 days
22-03-90 to 31-03-90	10 days	21-07-94 to 30-07-94	10 days
11-05-90 to 20-5-90	10 days		<u>20 days</u>
21-06-90 to 30-06-90	10 days		
11-10-90 to 20-10-90	09 days		
(except 14-10-90)			
11-11-90 to 20-11-90	08 days		
(except 11, 18-11-90)			
31-12-90	01 days		
	<u>58 days</u>		
<u>1991</u>			
01-01-91 to 09-01-91	09 days		
19-02-91 to 28-02-91	10 days		
21-04-91 to 30-04-91	10 days		
02-05-91 to 10-05-91	09 days		
01-06-91 to 10-06-91	10 days		
01-07-91 to 10-07-91	10 days		
01-08-91 to 10-08-91	10 days		
01-09-91 to 10-09-91	10 days		
01-10-91 to 10-10-91	10 days		
01-11-91 to 10-11-91	10 days		
01-12-91 to 10-12-91	10 days		
	<u>108 days</u>		

Thus as per the statement the applicant has worked in the establishment of non-applicants during the period mentioned above. It is thus not proved that the applicant has worked from 21-5-88 to 30-7-94 continuously as stated by him in his affidavit. It is proved that he worked during the above period on casual and rotational basis as stated by Shri Laxmi Chand Sharma. It may also be stated that the applicant has himself admitted in his application Ex. W-10 that he has worked on casual and contract basis.

Point No. 2.—The applicant worked in the establishment of the non-applicants on casual and rotational basis for the period mentioned above. The statement of working days submitted by the applicant does not show that he has worked continuously during the period from 21-5-88 to August, 1994. It is also not proved that he has worked for 240 days in any year preceding to the date of termination. In these circumstances section 25-F of the Act, 1947 is not attracted. Thus it is not proved that the services of the applicant were terminated in violation of section 25-F of the Act, 1947.

Point No. 3.—Shri Laxmi Chand Sharma has stated that the Scheme of regularisation dated

9-6-92 and modified Scheme dated 19-3-94 were framed on the direction of the CAT principal bench New Delhi and upheld by the Apex Court. There is no denial to the same. It is, therefore, proved that the above schemes were framed on the directions of the CAT and the regularisation of the casual worker is to be regulated as per the above Schemes.

Point No. 4.—On the basis of the above discussion, the termination of the services of the applicant cannot be held to be illegal and unjustified.

The learned counsel for the non-applicants has submitted that the applicant is entitled for regularisation as per the Regularisation Scheme dated 17-3-94 and the non-applicants are willing to consider the applicant for regularisation as per the above Scheme and according to the seniority as per the pronouncement of the Apex Court reported in 1998 (8) SCC 760—Director General Doordarshan House and Others vs. Lalit Vikram. In the above case it was held by the Apex Court in a similar case that the applicant was entitled to be considered for regularisation as Floor Assistant as per the revised Scheme dated 17-3-94 treating that the applicant was eligible for regularisation on 9-6-92. In view of the submission of the learned counsel of the non-applicants similar direction is issued to the non-applicants to consider the case of the applicant for regularisation treating him to be eligible for regularisation as on 9-6-92.

As regards seniority the learned counsel for the applicant has contended that seniority list has not been filed by the non-applicants and therefore the statement of the applicant that he is at Sr. No. 7 should be believed and the statement of Laxmi Chand Sharma that the applicant's seniority is at S. No. 30 should not be relied upon. It cannot be considered on merits for the reason that the persons at Sr. No. 7 to 29 are not parties before the Tribunal. The applicant may agitate the issue of his seniority at the appropriate stage.

The copies of the award may be sent to the Central Government under section 17(1) of the Act, 1947 for publication.

Sd/-

Presiding Officer

नई दिल्ली, 14 फरवरी, 2001

का.आ. 468.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भाखड़ा ब्यास मैनेजमेंट बोर्ड के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-02-2001 को प्राप्त हुआ था।

[सं.एल-42012/196/90-आई.आर. (डी.यू.)]

एन. पी. केशवन, डस्क अधिकारी

New Delhi, the 14th February, 2001

S.O. 468.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, B.B.M.B., as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Chandigarh and their workman, which was received by the Central Government on 13-2-2001

[No. L-42012/196/90-IR(DU)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 70/91

Harjinder Kumar,
C/o General Secretary,
Nangal Bhakra Mazdoor Sangh,
Nangal Township, District Ropar.

Workman.

Versus

Chief Engineer,
Bhakra Beas Management Board,
Nangal Township,
District Ropar, Punjab.

... Management.

APPEARANCES :

For the workman—R. K. Singh.

For the management—C. L. Sarcen.

AWARD

(Passed on 20th December, 2000)

The Central Government vide gazette notification No. L-42012/196/90/IR-(DU) dated 13th June, 1991 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Chief Engineer BBMB Nangal Township, District Ropar (Punjab) in terminating the services of Shri Harjinder Kumar son of Shri Gian Chand, driver Fire Appliance w.e.f. 30-10-89 is justified? If not, what relief he is entitled to?”

2. The case of the workman is that he was selected and appointed on the post of fire appliances driver after having been selected by selection committee constituted by the management for interview and trade test. Out of seven candidates for the same post, he was selected out of them and he was allowed to join after undergoing medical examination. He was appointed as regular driver (fire appliances) w.e.f. 10-3-1989 to 30-10-1989. The management arbitrarily terminated his services w.e.f. 30-10-89. The management had requested the State of Punjab for sending a driver (Fire Appliances) from their establishment

to the establishment of BBMB but the State of Punjab failed to send a driver from its establishment. Therefore, the requisition was sent to employment exchange. The employment exchange sponsored his name for the same post and interview was held by the management. The selection committee rejected the candidature of the workman and selected another person namely Shri Kamaljit Singh who was appointed on the post of driver (fire appliances).

3. The workman submitted a representation against the appointment of Kamaljit Singh to the Superintending Engineer, Bhakra Dam Circle Nangal but his request was not considered by him. The workman's Union also requested the management to consider his case but it was not considered and the matter was agitated before ALC(C), Chandigarh. The conciliation proceedings were resulted in failure. Therefore, industrial dispute was raised and the appropriate Government has referred this dispute to this Tribunal for adjudication. The workman has alleged that the other persons have been appointed on the post of driver fire appliances ignoring the seniority of the workman. Therefore, he is entitled to be reinstated on the post of driver fire appliances with full back wages.

4. The management has filed its written statement alleging that the workman was engaged for a specific period of 89 days only on the terms and conditions contained in letter No. 908 dated 7-3-1989 issued by Superintending Engineer Bhakra Dam Circle Nangal. His appointment was purely temporary and was made as a stop-gap-arrangement to fill the same post, which fell vacant due to retirement of a driver on 28-2-89. Under normal circumstances the vacant post was to be filled on regular basis by having suitable persons on transfer from Punjab State. In case of non-availability of suitable hands from the partner State of BBMB, that post could be filled up by the BBMB after following the statutory provisions such as notification to the employment exchange, calling of the interview, conduction of trade test and holding of medical examination. Since the above procedure was likely to take sufficient time and in the meanwhile the fire service could not be allowed to remain unattended being an emergency service, so as a temporary measure, the post was filled up by conducting an interview and trade test from amongst the candidates locally available. The interview was held and the workman was selected from amongst the candidates and he was given an offer of appointment for a specific period of 89 days or till the joining of regular fire appliance driver which is earlier.

5. As no response was given by the Punjab State the petitioner was allowed for other brief spells from 10-3-1989 to 6-6-89, 16-6-89 to 4-9-89 and from 16-9-89 to 30-9-89. Thus the workman had worked for only 185 days. He had not completed 240 days within the 12 calendar months preceding to the date of his disengagement. The workman was given an opportunity to compete in interview but he was not selected by the selection committee. He failed to park the heavy vehicle on a ramp in the reverse direction whereas some of the other candidate were success-

ful in doing so. The selection committee selected the best talent available out of the candidates and regular offer of appointment was issued to the selected candidate. Thus the Kamaljit Singh was appointed on the post of driver (Fire appliances). After his appointment any other driver has not been recruited by the management after the month of October, 1989. The workman have not completed 240 days, therefore, he is not entitled to get any relief under I.D. Act, 1947. His claim is therefore, liable to be rejected with no relief.

6. The workman has filed his affidavit Ex. W1 alongwith other documents Exhibited as Ex. W2 to Ex. W5. The management has submitted the affidavit of Fire Supdt. Malkit Singh which is Ex. M1. It has also submitted the documents which has been exhibited as Ex. M2 to Ex. M6-A. The workman Harjinder Kumar has deposed in his affidavit that he was selected by selection committee constituted by the management for the post of Fire Appliances Driver. He was subjected to medical examination. Before selection the trade test and personal interview were held by the management. After that he was appointed on the said post w.e.f. 10-3-1989 on regular basis. He worked on this post till 31-10-1989 with some notional breaks. Thus he had worked for 240 days including the notional breaks. But the management had terminated his services w.e.f. 31-10-1989 and recruited other persons named Shri Kamaljit Singh on the said post. His services were terminated without complying with the provisions of Section 25-F of I.D. Act, 1947. Thus his services were terminated illegally, which deserves to be set aside by this Tribunal. The management had also violated the provisions of Section 25-G and H of I.D. Act.

7. The witness of the management Malkit Singh has deposed in his affidavit that the workman was appointed for specific period of 89 days initially. After that he was appointed for another period of 89 days. Thus the workman had worked for 185 days only. He has also deposed that the workman was appointed for specific period and the post was to be filled up by suitable candidate so, the requisition was sent to employment exchange which sponsored the name of the workman alongwith other unemployed persons. The trade test and interview were held by the management. The workman did not qualify the trade test. He failed to park heavy vehicle on a ramp in reverse direction. Another candidate named Shri Kamaljit Singh was selected by selection committee who was found fit for the said post. Therefore, the workman could not be appointed as a regular employee on the said post.

8. The workman has admitted in his cross-examination that he had not completed 240 days within 12 calendar months preceding to his disengagement w.e.f. 31-10-1989. He has submitted the copy of the offer of appointment Ex. W2 which makes it clear that he was appointed for 89 days or till the joining of regular Fire Appliance Driver, which ever was earlier. Certificate Ex. W3 issued by Fire Supdt. Malkit Singh reveals that the workman had not completed 240 days within 12 calendar months preceding to the date of his disengagement. The Hon'ble High Court of Punjab and Haryana has held in the

case of Karnal Central Cooperative Bank Ltd. Vs. Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak and other (1994—1) F.L.R. 310, that the workman who do not complete 240 days of service has no industrial right under the provisions of Industrial Disputes Act, 1947. Under these circumstances the management was not under obligation to give notice of termination of his services and to make the payment of compensation. Therefore, it can not be held that the termination of the services of the workman was made illegally.

9. The workman has taken the plea of re-employment under the provisions of Section 25-H of I.D. Act, 1947. But the terms of the reference do not include the dispute relating to re-employment. Besides this it is pertinent to discuss the circumstances under which Shri Kamaljit Singh was appointed on the said post, instead of the petitioner workman. It is evident from the record of the case that the said post was to be filled up by an employee of Punjab State. But the Punjab State did not transfer the services of its employee to BBMB. Therefore, the procedure for the recruitment of fire appliance driver was to be followed by the management. The management sent the requisition to employment exchange. On perusal of Ex. M5 it is clear that the name of the workman alongwith Kamaljit Singh and Omkesh Singh was sponsored by the employment exchange. The trade test and interview were held by the management and the selection committee selected Kamaljit Singh for the said post. The selection committee could not be compelled to select the workman. It was the duty of the selection committee to select better candidate

amongst them. Thus it can not be said that the management had exercised unfair labour practice. Therefore, this Tribunal is not justified to issue directions to the management for the re-employment of the workman under the provisions of Section 25-H of the I.D. Act, 1947.

10. In para 12 of claim statement, it has been alleged by the workman that the management had recorded number of drivers in their establishment but he has not been given a chance for re-employment. But the workman has not deposed in this regard in his affidavit. The witness of the management Malkit Singh has deposed in his affidavit that no fire appliances driver in regular or in work charged capacity has been deployed after the recruitment of Kamaljit Singh. Therefore, it can not be said that the management had recruited other persons except workman on the said post. The case of the workman under Section 25-H of the I.D. Act has not been made out in his favour.

11. On considering the evidence of both the parties in preceding paragraphs, it is held that the termination of the workman was not illegal and the action of the management was not unjustified. Therefore, the reference is answered against the workman holding that the action of the management in terminating the services of Shri Hariinder Kumar was justified. He is not entitled to any relief. Both parties are left to bear their own cost of proceedings. Appropriate Government be informed.

B. L. JATAV, Presiding Officer

